

In The Matter Of:
NXIVM CORPORATION v.
MORRIS SUTTON

KEITH A. RANIERE

Vol. III

May 13, 2009

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<p style="text-align: right;">Page 427</p> <p>1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEW JERSEY 3 -----* 4 NXIVM CORPORATION, formerly known as 5 EXECUTIVE SUCCESS PROGRAMS, INC. and 6 FIRST PRINCIPLES, INC., 7 Plaintiffs, No. 2:06-cv-01051 8 (DMC/MF) 9 vs. 10 -----* 11 RICK ROSS, 12 Counterclaim-Plaintiff, 13 vs. 14 KEITH RANIÈRE, NANCY SALZMAN, 15 KRISTIN KEEFFE INTERFOR, INC., 16 JUVAL AVIV, ANNA MOODY, JANE DOE 17 and JOHN DOES 1-10, 18 Counterclaim-Defendants. 19 (Caption continued on following page) 20 CONFIDENTIAL 21 VIDEOTAPED DEPOSITION OF: KEITH A. RANIÈRE 22 (Volume III) 23 DATE TAKEN: WEDNESDAY, MAY 13, 2009 24 FITZSIMMONS REPORTING & VIDEOCONFERENCE CENTER 25 570 West Mount Pleasant Avenue Livingston, New Jersey 07039 PHONE: (973) 994-3510 FAX: (973) 994-3621</p>	<p style="text-align: right;">Page 429</p> <p>1 A P P E A R A N C E S (Continued) : 2 DRINKER BIDDLE & REATH LLP 3 BY: ROBERT M. LEONARD, ESQ. -and- 4 THOMAS F. CAMPION, ESQ. 5 500 Campus Drive Florham Park, New Jersey 07932-1047 6 (973) 549-7370 Attorneys for Keith Raniere 7 RIKER DANZIG SCHERER HYLAND PERRETTI LLP 8 BY: HAROLD L. KOFMAN, ESQ. Headquarters Plaza 9 One Speedwell Avenue Morristown, New Jersey 07962-1981 (973) 538-0800 10 Attorneys for Morris Sutton, Rochelle Sutton, Stephanie Franco 11 LOWENSTEIN SANDLER PC 12 BY: PETER L. SKOLNIK, ESQ. 65 Livingston Avenue 13 Roseland, New Jersey 07068 (973) 597-2508 14 Attorneys for The Ross Institute, Rick Ross, Paul Martin and Wellspring Retreat, Inc. 15 FRIEDMAN KAPLAN SEILER & ADELMAN LLP 16 BY: DANIEL IAN MEE, ESQ. 1633 Broadway 17 New York, New York 10019-6708 (212) 833-1100 18 Attorneys for Interfor, Inc., Juval Aviv 19 ALSO PRESENT: 20 Mary Knodel LOWENSTEIN SANDLER PC Nancy Salzman Karl Petry, Videographer 21 22 23 24 25</p>
<p style="text-align: right;">Page 428</p> <p>1 (Continued) 2 INTERFOR, INC., JUVAL AVIV, and 3 ANNA MOODY, 4 Cross-Claimants, 5 vs. 6 NXIVM CORPORATION, KEITH RANIÈRE, 7 NANCY SALZMAN and KRISTIN KEEFFE, 8 Cross-Claim Defendants. -----*. 9 T R A N S C R I P T of the stenographic notes of the proceedings in the above-entitled matter, as taken by and before CHERYL MCGANN, a Certified Court Reporter and Certified Realtime Reporter of the State of New Jersey, held at the offices of DRINKER BIDDLE & REATH LLP, 500 Campus Drive, Florham Park, New Jersey, on Wednesday, May 13, 2009, commencing at 10:04 a.m. 10 11 12 13 14 15 16 17 18 19 A P P E A R A N C E S : 20 21 TOMPKINS MC GUIRE WACHENFELD & BARRY LLP BY: WILLIAM B. MC GUIRE, ESQ. 4 Gateway Center 100 Mulberry Street Newark, New Jersey 07102 22 Attorneys for Plaintiffs and Cross-Claim Defendants, NXIVM Corp., Nancy Salzman and Kristin Keeffe 23 24 25</p>	<p style="text-align: right;">Page 430</p> <p>1 I N D E X 2 WITNESS CROSS REDIRECT RECROSS 3 KEITH ALAN RANIÈRE (Cont'd) By Mr. Skolnik: 433 625 By Mr. Kofman: 608 5 E X H I B I T S 6 Exhibit Description For Identification 7 Raniere-18 One-page U.S. Copyright Office document entitled Public Catalog 521 8 Raniere-19 Application for Letters Patent Bates 9 stamped P000000685 through 768 539 10 Raniere-20 Confidentiality Agreement Effective 5/13/06 Bates stamped SP1013-2030 554 11 Raniere-21 5/10/04 Memorandum Bates stamped 12 SP1163-1165 556 13 Raniere-22 Note to Keith with attachments Bates 14 stamped SP0903-0907 556 15 Raniere-23 1/26/05 e-mail Bates stamped SP0480 556 16 Raniere-24 8/7/04 e-mail Bates stamped SP1284 556 17 Raniere-25 11/28/04 e-mail Bates stamped SP1814 556 18 Raniere-26 Memorandum to K. Russell Bates 19 stamped SP0429 557 20 Raniere-27 4/8/04 Memorandum Bates stamped SP0432 557 21 Raniere-28 Confidential and Legal Product Memorandum to K. Russell from J.J. O'Hara Bates stamped SP0518 557 22 Raniere-29 12/9/04 e-mail Bates stamped NXR00079 through 80 594 23 Raniere-30 4/27/09 letter, Campion from Kofman 608 24 Raniere-31 Odin and the Sphinx by Keith Raniere 25</p>

Page 431

1 * (Exhibits attached.) *
2 INFORMATION REQUESTED
3
4 (Request) Page 467
5 (Request) Page 506
6 (Request) Page 530
7 (Request) Page 608
8
9
10
11
12
13
14
15
16
17
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22
23
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Page 432

1 THE VIDEOGRAPHER: Today's date is
2 May 13, 2009, at the time indicated on the video
3 screen. We're here in Florham Park, New Jersey, to
4 take the continuing deposition of Keith Raniere in
5 the matter of NXIVM versus Morris Sutton.
6 At this time, would the attorneys please
7 identify themselves and the clients they represent.
8 MR. SKOLNIK: Yeah. I'm Peter Skolnik
9 of Lowenstein Sandler. I represent all of the Ross
10 parties.
11 MR. KOFMAN: Harold Kofman from Riker
12 Danzig. I represent Stephanie Franco, Morris Sutton
13 and Rochelle Sutton.
14 MR. McGuIRE: Tompkins McGuire
15 representing NXIVM, Nancy Salzman, and Kristin
16 Keeffe.
17 MR. LEONARD: Robert Leonard and Tom
18 Campion -- Thomas Campion on behalf of Keith
19 Raniere.
20 MR. SKOLNIK: Would you swear the
21 witness.
22
23 KEITH ALAN RANIERE, residing at
24 3 Flintlock Lane, Clifton Park, New York 12065,
25 is duly sworn and testifies on his oath as follows:

Page 433

1
2 CONTINUED CROSS-EXAMINATION BY MR. SKOLNIK:
3 Q. Mr. Raniere, before we begin, to avoid any
4 possible confusion I want to put on the record the
5 agreement that I have reached with counsel for you
6 and for NXIVM.
7 That agreement is that counsel will not
8 instruct you not to answer questions concerning the
9 Interfor report, the purported sting and
10 communications with Joseph O'Hara about those two
11 subjects. We have further agreed that counsel for
12 you and NXIVM reserve all of their rights with
13 respect to the admissibility of such testimony as
14 well as their rights to challenge the findings and
15 conclusions of the opinions by Judge Teece and all
16 of their rights to the applicability of the
17 attorney-client and work product privileges to
18 questions that are not covered by that above
19 agreement.
20 Do you understand that?
21 A. I wasn't aware of that but --
22 MR. LEONARD: That's correct.
23 A. -- okay. Then yes.
24 Q. Are you today under the influence of any
25 drugs or any other substance that would prevent you

Page 434

1 from answering my questions fully and truthfully?
2 A. No.
3 Q. You told us last time that the statement in
4 your bio, which was Raniere-1, saying that you have
5 total retention is accurate as far as how someone
6 would measure retention.
7 Do you remember that testimony?
8 A. To some degree, yes.
9 Q. Okay. How would you measure retention?
10 A. Oh, I have no idea. I guess I would seek to
11 have the test that they use to measure retention. I
12 think they show people different cards and see how
13 they remember them or I think there are things with
14 digital span so I don't know.
15 Q. Have you taken that test?
16 A. I've taken tests like that.
17 Q. So what is the basis for your statement that
18 you have total retention, as far as that's the way
19 you measure retention?
20 A. When I was a child I was tested, and I had
21 seen a report that said I had had total retention.
22 I was told by guidance counselors in school that had
23 seen those reports. That's -- I mean, I think there
24 are other things -- other people along the way who
25 had been somehow associated with those tests that

Page 435	Page 437
<p>1 had said similar things. 2 Q. Okay. Over what kind of materials or 3 information do you have total retention? 4 A. I have no idea. I -- 5 Q. Do you have total retention of books or 6 articles that you read? 7 A. I don't understand "total retention" other 8 than what I've been told. 9 Q. Well, do you believe that you retain 10 virtually everything that you read in books and 11 articles? 12 A. No. 13 Q. What about the results of research that 14 you've conducted? Do you have total retention over 15 that? 16 A. I don't know what you mean by "total 17 retention," but if you say do I remember every bit 18 of sensory input I've had with respect to something 19 like that, I would say no. 20 Q. What about the contents of lectures that 21 you've attended? 22 A. Depending if I'm paying attention, I'll have 23 more or less retention. 24 Q. Conversations? 25 A. The same thing.</p>	<p>1 A. I think it was pretty early on. I'm not 2 sure. I'm not sure. I don't know the exact date. 3 Q. Can you give us an approximate date? 4 A. That's why I'm trying to think because I 5 wasn't involved in it. I'm thinking on where I have 6 seen the name. I've seen the name on the back of 7 the Ethos brochure, so no. I don't know even the 8 year. 9 Q. Do you know why First Principles was 10 established? 11 A. Yeah. It's my understanding that First 12 Principles is -- controls, if you will, the 13 deployment of the information in the patents, and I 14 think they have the patents or different trademarks 15 or things like that assigned to them, although I'm 16 not sure if that's how it is currently. 17 Q. Okay. Do you know what First Principles is? 18 A. It's a corporation. 19 Q. And you believe that it's the assignee of 20 rights in patents? 21 A. Yeah. I believe it's a recipient of 22 royalties. I believe that it is the recipient of 23 assignment of rights of certain patents and 24 trademarks, but I'm not sure of the extent. 25 Q. What royalties is it the recipient of?</p>
Page 436	Page 438
<p>1 Q. You may -- you may retain all of it, 2 depending upon whether you're paying attention? 3 A. Actually, I don't know if I would say I 4 retain all of it. You know, the label total 5 retention or the assessment total retention was not 6 something I gave to myself. I -- you know, I don't 7 know if there's such a thing as a total retention, a 8 what I would call like a video memory. 9 Q. Well, I'm still trying to understand why you 10 told us that the statement on your own bio that says 11 that you have total retention, that you told us that 12 that's accurate. 13 A. I believe that's true. 14 Q. But what does total retention mean to you? 15 A. It's something that I was told, I was 16 assessed by psychologists and that I scored as 17 having total retention. 18 Q. So your belief comes from what you were told 19 by other people? 20 A. Yes. 21 Q. Okay. Do you by any chance recall how many 22 times you testified "I don't recall" during the 23 prior two days of your deposition? 24 A. No, I don't recall. 25 Q. When was First Principles established?</p>	<p>1 A. I believe it is the recipient of royalties of 2 the Executive Success/NXIVM curriculum. I think 3 there is a certain percentage of the total business 4 that goes to First Principles. 5 Q. And do you know what First Principles does 6 with that income? 7 A. Not exactly, although I do believe that some 8 of the expenses for patent work and things like that 9 may come out of it. 10 Q. Anything else that you know comes out of the 11 money that goes into First Principles? 12 A. Well, there is a royalty that's supposed to 13 go to me. I don't know how exactly that's handled. 14 Ultimately that's to be paid to a foundation for 15 scientific research. 16 Q. A royalty that is meant to be paid to you 17 goes to someone else? 18 A. A royalty that is on the technology that I 19 have created is meant to go to a scientific 20 foundation. 21 Q. What is that foundation? 22 A. I don't know what it is currently. I think 23 originally it was the one that Joe O'Hara was 24 involved with. 25 Q. But you don't know where that money goes</p>

Page 439

1 today?
2 **A. No, I don't know.**
3 Q. Do you know what that foundation is meant to
4 do?
5 **A. It's supposed to conduct research relating**
6 **to the technology of Rational Inquiry and try to**
7 **examine it from the scientific model.**
8 Q. What is it that generates the royalty income?
9 **A. The curriculum, I believe the sale of**
10 **courses.**
11 Q. The sale of courses. In other words -- and
12 is this the same 10 percent royalty that you told us
13 about last time?
14 **A. Yes.**
15 Q. And, in other words, 10 percent of all of the
16 income that NXIVM receives from courses goes to --
17 is a royalty payable to a foundation on your behalf?
18 **A. I'm not sure if that's quite how it's framed;**
19 **but I believe that's so, yes.**
20 Q. Do you know why the RIM patent was assigned
21 to First Principles rather than to ESP or NXIVM?
22 **A. The RIM?**
23 Q. Rational Inquiry method patent.
24 **A. Yeah, because Executive Success Programs is**
25 **an administrator of curriculum. They don't put**

Page 441

1 **materials that Executive Success Programs uses**
2 **specifically I think the decision was made to assign**
3 **them there. There have been some things like the**
4 **Mission Statement which is assigned to me 'cause I**
5 **wrote that. I think depending on whose -- who owns**
6 **or uses the material, they may be assigned. I think**
7 **there are some materials that are copyright First**
8 **Principles, although I'm not sure.**
9 Q. And you're under the impression that the
10 Mission Statement is copyrighted in your name?
11 **A. I believe so now.**
12 Q. Has the patent that was held by First
13 Principles, has that ever been reassigned to NXIVM?
14 **A. A patent -- which patent that was held by**
15 **First Principles?**
16 Q. The Rational Inquiry method patent.
17 **A. I don't think so.**
18 Q. Okay. Do you know who or what entity
19 currently owns the Rational Inquiry method patent?
20 **A. No.**
21 **MR. KOFMAN:** Objection to form.
22 Q. Let's turn to the Exhibit that was previously
23 marked as Raniere-11.
24 And for the record, this is an Affidavit of
25 Keith Raniere dated August 18, 2003.

Page 440

1 **together the curriculum. First Principles handles**
2 **from what I understand the patents and the**
3 **information. Ultimately the curriculum that is put**
4 **together is what ESP delivers, so ESP wouldn't have**
5 **that patent.**
6 Q. What about NXIVM? Why wouldn't the patent be
7 assigned to NXIVM?
8 **A. I think they're the same companies, ESP and**
9 **NXIVM. I'm sorry if I'm -- when I say "ESP," I mean**
10 **NXIVM at this point.**
11 Q. Do you use those terms interchangeably?
12 **A. I have.**
13 Q. Do you think of them as the same?
14 **A. No, not exactly. I think of NXIVM as a**
15 **broader thing. I think of ESP specifically as the**
16 **Intensive curriculums. Sometimes I think of some --**
17 **there are some other curriculums that might be**
18 **offered through ESP that are not the traditional**
19 **Intensives.**
20 Q. Now, you told us I think that you're under
21 the impression that the patents and trademarks have
22 been assigned to First Principles.
23 What about the copyrights?
24 **A. I think the copyrights, some of them are**
25 **assigned to Executive Success Programs because**

Page 442

1 **MR. CAMPION:** What was the date?
2 **MR. SKOLNIK:** August 18, 2003.
3 **MR. CAMPION:** I have August 22 on Page
4 15. I think it makes no difference, frankly.
5 **THE WITNESS:** I have August 22 on this
6 version as the sworn date. I don't know what --
7 **MR. CAMPION:** It doesn't matter. The
8 witness has the Exhibit.
9 **BY MR. SKOLNIK:**
10 Q. All right. August of 2003. And,
11 Mr. Raniere, if you'd turn to Page 15 and just
12 confirm that that's your signature.
13 **A. Yes.**
14 Q. Okay.
15 **A. That is my signature --**
16 Q. All right.
17 **A. -- I believe.**
18 Q. In Paragraph 1 you say, "I am the founder of
19 NXIVM Corporation formerly known as Executive
20 Success Programs, Inc. ('NXIVM')."
21 **A. Uh-huh.**
22 Q. Are you also the founder of Executive Success
23 Programs?
24 **A. Yes. I believe so, yeah.**
25 Q. And does Executive Success Programs still

	Page 443	Page 445
1 exist? 2 A. It exists at least as a DBA. I don't know if 3 it exists as a separate corporation. 4 Q. Do you know whether the corporation has been 5 dissolved? 6 A. No, I don't know. 7 Q. Are you the founder of First Principles? 8 A. You know, I'm not sure. I never thought of 9 it. Being a founder is not so much of a legal title 10 in my estimation. 11 Q. So you don't know whether you're the founder 12 of First Principles? 13 A. Yeah. I don't think it was my idea that 14 First Principles be formed. 15 Q. Does -- does First Principles utilize the 16 Rational Inquiry method? 17 A. I'm not really sure because I'm not sure of 18 everything that First Principles does. 19 Q. But as far as you know, First Principles 20 still exists? 21 A. Yes. 22 Q. Were you actively involved in Executive 23 Success Programs when it became NXIVM? 24 A. Can you tell me what you mean by "actively 25 involved"?	1 A. I assume I'm a philosophical, yes. I said 2 I'm the founder of NXIVM Corporation, formerly 3 Executive -- I'm the philosophical founder of that. 4 Q. Is anyone else a philosophical founder of 5 NXIVM? 6 A. I don't believe so, no. 7 Q. If you turn to Paragraph 34 of your 8 Affidavit, you say, "In 1998 I met Nancy Salzman. 9 She was an international authority on human 10 potential. She had trained over 25,000 people in 11 communication methods and she had studied with many 12 of the top people in the world in this field. I 13 determined she was ideal person to learn, duplicate 14 and apply my model." 15 Is Rational Inquiry method the model that you 16 were referring to? 17 A. Part of it. At that point in time, I had 18 developed certain techniques and certain models of 19 human behavior, which I had not found anyone that I 20 felt I would want to or could co-experiment with me 21 on how to develop that model, and I felt that she 22 was the person. 23 Q. Was the Rational Inquiry model fully formed 24 at that point? 25 A. No.	
1 Q. Well, let me ask a different question. 2 At the point when Executive Success Programs 3 became NXIVM, what was your role with either or both 4 of those entities? 5 A. I created curriculum. From time to time, I 6 gave forums. I answered philosophical and ethical 7 questions. Sometimes I gave opinion on any sort of 8 problems that came up. 9 Q. So is it fair to say that you were not out 10 of the picture of ESP and NXIVM at that point? 11 A. I would say that's correct. 12 Q. In what way are you the founder of NXIVM 13 Corporation? 14 A. The idea for such a curriculum, the idea of 15 having a school or I should say a -- not really a 16 school; it's a program -- and even sometimes the 17 ideas of having different types of programs come 18 from me. 19 Q. Do you consider anyone else to be a founder 20 of NXIVM? 21 A. Nancy Salzman could be considered possibly a 22 founder, depending on if you're talking about a 23 philosophical founder or a business founder. 24 Q. Well, what kind of founder are you talking 25 about in Paragraph 1?	Page 444	Page 446

Page 447

1 Q. And what is the relationship of National
2 Health Network to NXIVM or ESP?
3 A. Well, National Health Network became a buying
4 organization within NXIVM/ESP, but National Health
5 Network was a health company, and people who entered
6 into that company signed confidentiality agreements
7 with respect to information that they came in
8 contact with.
9 Q. Would that confidentiality agreement have
10 encompassed all of the methods and training in
11 NXIVM?
12 A. No.
13 Q. What specifically did you do to mentor
14 Nancy Salzman?
15 A. We would have meetings. We would discuss
16 different issues that came up. She was doing work
17 in the human performance field. I would help her
18 solve problems. I would teach her techniques which
19 she would practice and then come back and we would
20 talk about them.
21 Q. The model that you refer to in Paragraph 34,
22 was that model written down?
23 A. There were parts. There's one part of the
24 model in particular that was written down. The rest
25 was not.

Page 447

1 A. I'm not sure. I believe she would have had
2 to, but I don't know.
3 Q. Why do you say she would have had to?
4 A. Because I think when you create a corporation
5 it costs money.
6 Q. Do you know if anyone else put up any money
7 for the formation of ESP?
8 A. No, I do not know.
9 Q. You don't know?
10 A. I don't know.
11 Q. Was anyone else involved in the opening or
12 the creation of ESP other than you and Nancy
13 Salzman?
14 A. Yes. We had a group of people that we
15 brought through some initial curriculum and, yeah,
16 there was a small group of people.
17 Q. This was before ESP was formed as a
18 corporation?
19 A. I believe it was after, but I'm not positive.
20 Q. Well, I'm asking whether or not anybody else
21 was involved with the actual formation of the
22 corporation other than you and Nancy.
23 A. Oh, not that I know of.
24 Q. And Nancy Salzman is the President and sole
25 shareholder of NXIVM?

Page 448

1 A. Yes, to my knowledge.
2 Q. And she was the sole shareholder of ESP?
3 A. Yes, to my knowledge.
4 Q. Now, you told us last time that you have
5 never been employed by NXIVM or First Principles;
6 is that right?
7 A. I believe so.
8 Q. Well, wouldn't you know whether you were
9 ever an employee of either of those entities?
10 A. I don't know what the legal definition of
11 "employee." I have never earned any money in the
12 form of a salary or I have not had any job
13 description that I knew of per se.
14 Q. What about ESP? Were you ever an employee of
15 ESP?
16 A. Same thing. No, not to the best of my
17 knowledge.
18 Q. Have you ever had a financial or other
19 ownership interest in NXIVM?
20 A. No.
21 Q. What about in ESP?
22 A. No. The only direct interest is the royalty
23 that's supposed to go to a foundation, so I don't --
24 I don't know how you'd consider that, but I don't
25 consider that having an interest in the corporation.

<p style="text-align: right;">Page 451</p> <p>1 Q. And that royalty comes from First Principles? 2 A. I believe it does. 3 Q. As far as you know, has that royalty been 4 paid? 5 A. I don't think it's been paid. I don't think 6 there's been any profits. 7 Q. Oh, the 10 percent royalty is only paid when 8 there are profits? 9 A. Originally the 10 percent royalty was 10 supposed to be paid after ESP reached a certain 11 success and was supposed to be paid out of profits. 12 The 10 percent royalty is not supposed to ever 13 endanger the business' functioning, so I don't think 14 there's been any profit so I don't know how that's 15 handled. 16 Q. So when you say you don't think there's ever 17 been any profits, you're saying that NXIVM has never 18 been a profitable corporation? 19 A. To my knowledge, I don't think it has. 20 Q. So other than the 10 percent share of 21 profits, you have no current ownership interest in 22 NXIVM or ESP or First Principles; is that right? 23 A. It's not a 10 percent share of profits. It's 24 a 10 percent royalty to be paid from profits; but to 25 answer your question, no, I do not.</p>	<p style="text-align: right;">Page 453</p> <p>1 A. Yes. 2 Q. Who actually -- who actually wrote the 3 modules? 4 A. I'm not sure. 5 Q. You don't know who any of the authors of the 6 modules are? 7 A. I know who some of them might have been, and 8 I believe it's changed over time. 9 Q. Who are some of the people who you believe 10 might have been the authors of the modules? 11 A. Nancy Salzman, Lauren Salzman, Ivy Nevares. 12 I think there were a few other people, but I'm not 13 sure. It's whoever can write. 14 Q. When a module is written, does it come to you 15 for review? 16 A. Most of the time, no. 17 Q. And has that been true from the beginning? 18 A. In the beginning, I did review more of the 19 modules. I don't believe I reviewed every one, but 20 I think of the basic 20 modules ultimately I had 21 reviewed probably all of them. 22 Q. Okay. Did you assist or participate in the 23 writing process of any of the modules? 24 A. Yes. 25 Q. Which ones?</p>
<p style="text-align: right;">Page 452</p> <p>1 Q. Do you own any interest in any 2 NXIVM-affiliated company? 3 A. Not that I know of, no. 4 Q. Have you personally ever derived income of 5 any sort from NXIVM? 6 A. No, not that I know of. 7 Q. Well, again, you say not that you know of. 8 Wouldn't you know if you had derived income? 9 A. Depending on how you define "income." I 10 have gone over to Nancy's house on some mornings, 11 and she makes me omelettes and things like that. 12 No. I would answer your question squarely with 13 respect to money, things like that, no. 14 Q. And is that also true of ESP and First 15 Principles? 16 A. Yes. 17 Q. Who do you believe holds the copyright on the 18 Rational Inquiry modules? 19 A. I'm not sure. I think ESP holds the 20 copyrights on the modules directly, but I'm not 21 positive of that. I'd have to look -- look at the 22 bottom of the modules. 23 Q. Now, is it accurate that you created the 24 concepts and the order of the concepts in the 25 modules, but you did not actually write them?</p>	<p style="text-align: right;">Page 454</p> <p>1 A. I don't know. It was very long ago. I think 2 I helped edit the Tribute module. I might have 3 helped with writing one or two of the intros to show 4 how to give a -- sort of an introduction or a flavor 5 to the modules. 6 Q. Now, you say that it was long ago. Would 7 your involvement in the writing process of modules 8 be restricted to the core 20 modules that you 9 referred to? 10 A. Mostly. There may have been some outside of 11 that, but that was where I was primarily involved in 12 the writing. 13 Q. Did you ever have any written agreement with 14 the authors of the modules? 15 A. Other than the confidentiality agreements, I 16 don't think so. I didn't. 17 Q. You didn't? 18 A. I did not have an agreement with them other 19 than the confidentiality agreements. 20 Q. What about an oral agreement with them? 21 A. I think there are a lot of oral agreements. 22 Whenever someone writes a module, those things are 23 to be kept in strict confidence. And, as I said, 24 there would only be very few people who would write 25 the modules. As I said, I know of Nancy Salzman,</p>

Page 455

1 Lauren Salzman and Ivy. Nancy may know of a few
2 other people, but I don't think there have been that
3 many.
4 Q. Do you know how -- well, I think you told us
5 that whoever it is that owns the copyrights on the
6 modules, it was not the actual authors of the
7 modules. Is that your understanding?
8 **A. That is my understanding.**
9 Q. So how did the current owner of the
10 copyrights become the owner of the copyrights if
11 they were not the authors?
12 **A. I think the authors were assigned by Nancy**
13 Salzman who is owner of, to my knowledge, both First
14 Principles and Executive Success Programs, and I
15 don't think the auth -- the modules weren't
16 necessarily authored by any one person. I don't
17 know the details of how or why choices are made to
18 copyright in different situations necessarily.
19 Q. So as far as you know, whoever it is that
20 actually wrote the modules did that as a work for
21 hire for Nancy?
22 **A. I don't know the term, but I suppose. It's**
23 **as directed through Nancy.**
24 Q. And do you know for what entity they were
25 creating the modules?

Page 457

1 **A. No.**
2 Q. Do either Sara or Claire Bronfman cover any
3 of your living expenses?
4 **A. No.**
5 Q. Does the Rational Inquiry method address
6 lying?
7 **A. Yes, to some degree.**
8 Q. What does the Rational Inquiry method teach
9 about lying?
10 **A. Well, I don't know if it teaches anything**
11 **specific. The Rational Inquiry method is a method**
12 **of analyzing human behavior and decision making. So**
13 **if a decision does not match with a certain aspect**
14 **of reality, I guess you would consider that a lie,**
15 **so it addresses lying.**
16 Q. Pursuant to the Rational Inquiry method, are
17 there any circumstances when lying is acceptable?
18 **A. The method would not address that but the**
19 **curriculum would; and within the curriculum, I**
20 **believe there is one example we use where lying is**
21 **acceptable.**
22 Q. And what is that? What is the circumstance
23 when lying is acceptable?
24 **A. I believe if you -- in the extreme, if you**
25 **are in Nazi Germany and you have your family**

Page 456

1 **A. In general, the modules were created to be**
2 **used by ESP. That's the best I know.**
3 Q. So as far as you know, the authors assigned
4 their copyrights to ESP?
5 **A. I don't know if they had copyrights to**
6 **assign. If they did, I suspect they would have.**
7 Q. Okay. Now, do you know whether or not ESP
8 assigned the copyrights to NXIVM?
9 **A. No, I don't know.**
10 Q. Do you receive any money personally from
11 NXIVM followers?
12 **A. No, not that I know of. No.**
13 Q. Do you receive any money from Sara Bronfman?
14 **A. No, not that I know of.**
15 Q. Well, again, you say not that you know of.
16 Wouldn't you know if you receive money?
17 **A. I'm being general. I -- no, I do not receive**
18 **any monies, dollars. My concern is, for example, if**
19 **Sara Bronfman pays for part of Vanguard Week and**
20 **part of Vanguard Week is a celebration of my**
21 **birthday, is that considered my receiving monies**
22 **from Sara Bronfman?**
23 **If you're asking in a traditional sense do I**
24 **receive from Sara Bronfman, no, nor have I.**
25 Q. What about from Claire Bronfman?

Page 458

1 upstairs and a Nazi soldier comes to the door and
2 you believe because you've seen the Nazi soldiers
3 enter other houses and kill the families that if you
4 are asked, "Is your family here?" and you say "no"
5 as a lie, that is a strategic lie that is valuable.
6 Q. So the training incorporates the notion of
7 strategic lies. What about white lies?
8 **A. I don't know what you mean by "white lies."**
9 Q. Let me ask a different question. Under
10 NXIVM's teaching, is lying ever acceptable to
11 protect the executive enterprise?
12 **A. The executive -- you mean ESP?**
13 Q. Well, yes.
14 **A. I don't think that would be addressed. We**
15 **address ethics. Lying -- things like lying, things**
16 **like how you make a decision are tools that people**
17 **use, so the use of those -- the tools themselves are**
18 **one thing, but the use of the tools is what ethics**
19 **would address.**
20 Q. Under NXIVM's ethical constructs, is it ever
21 acceptable to use the tools to conclude that lying
22 is appropriate?
23 **A. I would imagine lying could be appropriate in**
24 **certain circumstances.**
25 Q. Give me some examples.

Page 459

1 A. Well, as I said, Nazi Germany; someone comes
2 to your house. I think in a circumstance where
3 someone is -- has bad intent, is looking to destroy
4 especially other human life or human values, if you
5 are put in a circumstance that is what you would say
6 an immoral circumstance, then strategic lies are
7 sometimes utilized or good. I can't think of
8 examples off the top of my head.

9 Q. Well, let me ask you this. I think you've
10 told us that you think that Rick Ross has malintent,
11 haven't you?

12 A. I said I think Rick Ross may have bad intent.

13 Q. Okay. In your view then, would it be
14 acceptable for you or Nancy or Kristin Keeffe to lie
15 under oath because of what you view as Rick Ross'
16 intention to harm NXIVM?

17 A. I doubt it. I would have to see the
18 circumstance. I have not lied under oath. I don't
19 know what their ethics or what their circumstances
20 are, but the reason why we're going through legal
21 proceedings is because of the ethics of the law
22 so...

23 Q. In your view, is lying under oath ever
24 acceptable?

25 A. I suspect I could derive a situation under

Page 461

1 Q. Okay. In our prior deposition sessions we
2 were working with your definition of a trade secret,
3 and I want to be sure that we're talking about the
4 same thing today.

5 I believe you told us that a trade secret is
6 something we believe is unique that we keep as a
7 secret and if it were not kept secret would be a
8 disadvantage to us.

9 Do I have that right?

10 A. I think that's an overview of it, but I --
11 again, I don't believe I necessarily know what a
12 trade secret is so that's a -- what I would say was
13 my on-the-moment lay definition.

14 Q. And will it serve as your definition for
15 today?

16 A. For now, yeah.

17 Q. To the best of your knowledge, does NXIVM
18 consider all of its modules and materials
19 proprietary and confidential?

20 A. Yes.

21 Q. Do you?

22 A. Yes, except those that for some reason NXIVM
23 would decide to release in a more public setting
24 or...

25 Q. Do you have a contract or confidentiality

Page 460

1 which -- under which lying under oath would be
2 acceptable.

3 Q. Now, you have a personal code of ethics?

4 A. Yes.

5 Q. What does your personal code of ethics say
6 about lying?

7 A. Well, in every decision I try to be mindful
8 and weigh out what the best thing to do is.

9 Q. And sometimes the best thing to do is to lie?

10 A. I would say that's a very rare circumstance.

11 I don't think of myself as lying very much.

12 Q. Did you read the deposition transcript of
13 Kristin Keeffe?

14 A. No.

15 Q. You never read it?

16 A. I don't believe so, no.

17 Q. Did she talk to you about the deposition?

18 A. I don't recall right off specifically. She
19 mentioned she was deposed. I don't believe she
20 talked to me about any of the content.

21 Q. Did she say anything to you about whether
22 she had told the truth during her deposition?

23 A. I don't think that was mentioned.

24 Q. It wasn't mentioned?

25 A. No.

Page 462

1 agreement with NXIVM?

2 A. I don't believe I have anything other than
3 the other -- the agreements that I have signed. I'm
4 not sure if any of the agreements incorporate my
5 confidentiality, although I take that as part of the
6 agreement.

7 Q. What agreements have you signed?

8 A. Well, there's student agreements. There are
9 things that I've signed at Arlen's office, things
10 relating to either patents or I don't know if I've
11 specifically signed one with respect to assignment
12 of royalties and things like that but all of
13 whatever those agreements are.

14 Q. But as far as you know, you've never signed
15 anything that was specifically a confidentiality
16 agreement?

17 A. I don't know if I've signed specifically a
18 confidentiality agreement.

19 Q. You are in a small circle of people who know
20 all of NXIVM's trade secrets, isn't that right?

21 A. I am not sure if I know all of NXIVM's trade
22 secrets because I'm not sure I know what trade
23 secrets are. I know a set of important trade
24 secrets relating to Rational Inquiry.

25 Q. And is it a small group of people who know

Page 463

1 that group of trade secrets?
2 **A. Most of them are either known by myself,**
3 **myself and Nancy only. There may be one or two**
4 **other people that know some of the trade secrets.**
5 Q. Who are those people?
6 **A. Karen Unterreiner is one of them;**
7 **Lauren Salzman is another.**
8 Q. So is the group that knows --
9 **A. I'm sorry. Kristin Keeffe may know some,**
10 **also.**
11 Q. Okay. So the group that knows most of
12 NXIVM's trade secrets is you, Nancy Salzman, Kristin
13 Keeffe, Lauren Salzman, and Karen Unterreiner?
14 **A. I would say that's the group that knows the**
15 **most of the trade secrets. The -- for example,**
16 **people who are trainers and people who are coaches**
17 **and people who are facilitators all know some trade**
18 **secrets; but when you talk about who has the most**
19 **robust knowledge of the trade secrets, it would be**
20 **those people.**
21 Q. Okay. Now, you conducted what you have
22 identified as in-depth scientific research during
23 your development of the Rational Inquiry method.
24 Has any of your research been published in any
25 peer-reviewed journals?

Page 465

1 **my head, yes.**
2 Q. What materials were not stored in your head?
3 **A. Computer programs that I had written, data**
4 **analysis that I had written relating to the gamma pi**
5 **project that I worked on. There were some things**
6 **when I taught computers and things like that that**
7 **were written.**
8 Q. Now, I assume that you consider the Rational
9 Inquiry method a trade secret.
10 **A. I think it's a big thing, so yes, although I**
11 **-- I suspect, yes, I would consider it a trade**
12 **secret.**
13 Q. And you consider it proprietary?
14 **A. Yes.**
15 Q. Who has access to the Rational Inquiry
16 method?
17 **A. The full method?**
18 Q. Yeah.
19 **A. Nancy Salzman. She's the main person.**
20 Q. Is the Rational Inquiry method the basis or
21 foundation for all of NXIVM's trade secrets and
22 modules and materials?
23 **A. I don't know.**
24 Q. What is your understanding of the degree to
25 which the Rational Inquiry method is the basis for

Page 464

1 **A. I don't think any of the direct research**
2 **relating to Rational Inquiry has been published in**
3 **any peer-reviewed journals. Some of the research I**
4 **have done in my career may have been published. I**
5 **do not know.**
6 Q. You don't know whether it's been published?
7 **A. Correct.**
8 Q. During the course of your development of the
9 Rational Inquiry method, did you write up your
10 research?
11 **A. I have not written up my research relating to**
12 **the Rational Inquiry method yet.**
13 Q. You haven't written it up --
14 **A. Written yet.**
15 Q. Yet?
16 **A. Relating to the Rational Inquiry method**
17 **itself.**
18 Q. So all of your research related to the
19 Rational Inquiry method is stored in your head?
20 **A. No. The research that I did before I**
21 **discovered the Rational Inquiry method, which aided**
22 **in my understanding human behavior which aided in my**
23 **understanding computers and things like that, was**
24 **not all stored in my head. The things that are**
25 **related to Rational Inquiry are primarily stored in**

Page 466

1 **NXIVM's modules?**
2 **A. I think relating to the human behavior model,**
3 **Rational Inquiry is the basis of that. Some of the**
4 **things within the corporation which may be trade**
5 **secrets I don't know, either business methods or**
6 **other mechanizations that are unique probably are**
7 **trade secrets; but I don't know if they have**
8 **anything to do directly with the Rational Inquiry**
9 **method.**
10 Q. Well, putting aside business techniques and
11 focusing only on the training, the NXIVM training,
12 is the Rational Inquiry method the basis of all of
13 that training?
14 **A. I believe so.**
15 Q. Did you give Nancy Salzman any documents
16 reflecting or memorializing the Rational Inquiry
17 method to assist her in developing the modules or
18 in working with others to develop the modules?
19 **A. No, not that I know of at all.**
20 Q. So was all of the information conveyed
21 orally?
22 **A. Yes. There have been a few charts that I've**
23 **written that are used in some of the advanced**
24 **courses. There may have been a few other things,**
25 **but in general it was conveyed orally.**

<p style="text-align: right;">Page 467</p> <p>1 Q. So when you were working with -- with Nancy 2 or with other authors in anticipation of the 3 creation of a module, you would simply talk to them; 4 and then they would go off and write the module?</p> <p>5 A. Yes. I think that would be a general way of 6 putting it, yes.</p> <p>7 Q. Did Nancy take any notes in your presence?</p> <p>8 A. Yes.</p> <p>9 Q. What about the other authors that you met 10 with?</p> <p>11 A. There are not many people who have -- well, 12 with respect to Rational Inquiry within NXIVM, the 13 only other people that have aided in any way in 14 authoring a module are Karen Unterreiner and 15 Lauren Salzman.</p> <p>16 Q. And did they take notes?</p> <p>17 A. Yes, I believe so.</p> <p>18 Q. Okay.</p> <p>19 MR. SKOLNIK: Let the record reflect a 20 request for any notes taken by Nancy Salzman, Karen 21 Unterreiner or Lauren Salzman.</p> <p>22 (Request.)</p> <p>23 MR. McGuire: Is that consistent with 24 your position that the discovery period is over and 25 you're not entitled to that?</p>	<p style="text-align: right;">Page 469</p> <p>1 Q. Okay.</p> <p>2 A. I want to say that it is one of the first 3 modules taken in certain programs within the NXIVM 4 purview.</p> <p>5 Q. There are some programs where Rules and 6 Rituals is not one of the first modules?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. Is it one of the first modules in the 9 Intensive?</p> <p>10 A. Yes.</p> <p>11 Q. I'm going to give you a list of concepts 12 contained in certain NXIVM modules and ask you to 13 tell me if that concept is a trade secret or if 14 NXIVM considers it proprietary or confidential.</p> <p>15 These concepts come from the Rules and 16 Rituals module. Sashes and scarves.</p> <p>17 A. I can't speak for what NXIVM thinks is 18 confidential. I think that the sashes and scarves 19 have certain confidential aspects to them.</p> <p>20 Q. Is there something in the nature of a trade 21 secret about secrets (sic) and scarves?</p> <p>22 A. About sashes and scarves? I think if people 23 were to disclose all the things relating to sashes 24 and scarves and how they are used, there may be 25 trade secrets disclosed; and certainly it would be</p>
<p style="text-align: right;">Page 468</p> <p>1 MR. SKOLNIK: It is because it's already 2 been asked for, Bill.</p> <p>3 MR. McGuire: Oh, it's already been 4 asked for?</p> <p>5 MR. SKOLNIK: Yeah.</p> <p>6 MR. McGuire: Okay.</p> <p>7 BY MR. SKOLNIK:</p> <p>8 Q. Let me ask you to turn to Paragraph 37 of 9 your Affidavit.</p> <p>10 A. Yes.</p> <p>11 Q. And in Paragraph 37 you told us, "When 12 someone signs up for a program, they sign a 13 confidentiality agreement. The first module they 14 take is 'Rules and Rituals.'"</p> <p>15 A. Uh-huh.</p> <p>16 Q. "Within this module they learn of the 17 12 point Mission Statement."</p> <p>18 A. Uh-huh.</p> <p>19 Q. Did I read that accurately?</p> <p>20 A. Yes.</p> <p>21 Q. So am I correct to assume that Rules and 22 Rituals is a key module?</p> <p>23 A. I don't know what you mean by "key module."</p> <p>24 It is an important module, and it is one of the first modules taken.</p>	<p style="text-align: right;">Page 470</p> <p>1 undesirable for us because that is confidential information, private property.</p> <p>2 Q. What about promotion? Is that also 3 confidential information, private property?</p> <p>4 A. Yes.</p> <p>5 Q. Pictures of founders in the class?</p> <p>6 A. Yes. Those don't exist, though.</p> <p>7 Q. Removal of shoes.</p> <p>8 A. Depending -- the actual removal of shoes is 9 not a trade secret, per se, but it is how it is used 10 and why. There are trade secrets that are I believe 11 confidential information involved with that.</p> <p>12 Q. Are there trade secret aspects to bowing?</p> <p>13 A. I would imagine that is so, also, yes.</p> <p>14 Q. What about standing when high rank enters?</p> <p>15 Is that in the nature of a trade secret?</p> <p>16 A. I -- it in itself is just a window into 17 confidential information and trade secrets, but 18 standing when a certain person enters a room is a 19 custom I believe that's practiced in many contexts.</p> <p>20 Q. But the way in which it's employed within</p> <p>21 NXIVM is in the nature of a trade secret?</p> <p>22 A. I think it is involved with some of the trade 23 secrets.</p> <p>24 Q. What about the ESP handshake?</p>

Page 471

1 A. The same thing. I would classify it the same
2 way.
3 Q. There is something of the nature of a trade
4 secret about it?
5 A. I think it may be a window to trade secrets;
6 and certainly certain things as to how it's used,
7 why it's used are confidential and important to us.
8 Q. And when you say it's a window to trade
9 secrets, in what way is it a window?
10 A. Well, if you have -- if you have trade secret
11 information and you give various aspects of the
12 trade secret information out without giving the
13 trade secret, per se, you can transmit the trade
14 secret; so inasmuch as something can be used to
15 transmit a trade secret when you have the trade
16 secret, it becomes a window.
17 Q. So is the entire Rules and Rituals module a
18 trade secret, and all of these different parts of
19 the Rules and Rituals module are windows into the
20 overall trade secret?
21 A. When you say "the entire Rules and Rituals
22 module," there's the written portion of the Rules
23 and Rituals module. There's the practice portion of
24 the Rules and Rituals module. There's the
25 conceptual portion of the Rules and Rituals module.

Page 471

1 Q. Recitation of the Mission Statement. What is
2 that in the nature of?
3 A. A similar thing.
4 Q. How about use of phone trees?
5 A. I would say a similar thing, yes.
6 Q. The confidentiality of materials?
7 A. I would say, again, these are all pieces.
8 Q. They're all windows into the trade secret
9 that is the entirety of the Rules and Rituals
10 module?
11 A. Potential windows.
12 Q. And the wearing of standard business attire,
13 same thing?
14 A. Yes. That could be classified the same
15 thing.
16 Q. Okay. What did you do to come up with these
17 Rules and Rituals?
18 A. I guess I'm not exactly sure what you're
19 asking.
20 Q. Well, were you the one who conceived all of
21 these Rules and Rituals?
22 A. I believe so.
23 Q. Okay. What I'm asking is how you conceived
24 them. What, if any, research did you do; or did you
25 just sit and think? What was the basis of your

Page 472

1 Depending on how much of those things one has, it
2 starts to create a window, more of a window into
3 possibly smaller or even larger trade secrets.
4 Q. So the written portion is only a portion of
5 the trade secret?
6 A. That is correct.
7 Q. So someone couldn't reconstruct or reverse
8 engineer the trade secret just from the written
9 portion, is that right?
10 A. Oh, I don't know that. I -- someone may be
11 that clever.
12 Q. Well, if they didn't have any experience of
13 the way it's taught and what actually goes on in the
14 session --
15 A. Uh-huh.
16 Q. -- but only had the written materials, could
17 they reverse engineer the entire process?
18 A. I'm not sure. They might be able to.
19 Q. What about stripes signifying rank? Is that
20 in the nature of a trade secret?
21 A. That's similar again to the sashes, although
22 different types of stripes and demarcations in
23 general culture signify different types of ranks, so
24 that in itself is not. The fact that that is part
25 of the puzzle may create a window.

Page 472

1 conception of these Rules and Rituals?
2 A. Different Rules and Rituals come from
3 different things, and depending on -- in some cases,
4 some of what I had studied, in some cases some of
5 what I have observed, in some cases, some of what
6 I've read, those experiences are embodied in the
7 Rules and Rituals, and each of them have a purpose
8 and a meaning based on those things.

9 THE VIDEOGRAPHER: Excuse me. We have
10 to change tapes.

11 MR. SKOLNIK: Okay. Well, why don't we
12 take a short break.

13 (At this point, there was a short
14 recess.)

15 THE VIDEOGRAPHER: This is the beginning
16 of Tape Number 2. The time is 11:13.

17
18 CONTINUED CROSS-EXAMINATION BY MR. SKOLNIK:
19 Q. Mr. Raniere, we were talking about the
20 various Rules and Rituals.

21 Did you spend any money developing the Rules
22 and Rituals?

23 A. I think over my lifetime I've spent money for
24 my experience, but did I spend money to develop
25 those things directly at the moment I developed

Page 473

<p>Page 475</p> <p>1 them, no.</p> <p>2 Q. Okay. Do these Rules and Rituals give NXIVM 3 an advantage over its competitors?</p> <p>4 A. I believe they do.</p> <p>5 Q. How?</p> <p>6 A. I believe that the Rules and Rituals act to 7 some degree as a protection and a swording as does 8 the patent and the copyright and things like that so 9 that people who are likely to want to take the ESP 10 curriculum will and people who are not likely to 11 either want to take the curriculum will not.</p> <p>12 Q. Well, you've described why you think that 13 they are important; but my question is in what way 14 they give NXIVM an advantage over its competitors.</p> <p>15 A. If I'm a corporation and I have a way of 16 selecting clients that is superior to the way my 17 competitors select clients, I have a competitive 18 advantage.</p> <p>19 Q. Do the Rules and Rituals inform how NXIVM 20 selects clients?</p> <p>21 A. The Rules and Rituals aid in NXIVM selecting 22 clients.</p> <p>23 Q. Aren't clients only exposed to the Rules and 24 Rituals once they have selected NXIVM?</p> <p>25 A. To some degree, but there are clients who</p>	<p>Page 477</p> <p>1 will not; than is a type of selection device I 2 suspect the Elks Club uses to have people who are 3 Elks or not.</p> <p>4 Q. But the Elks Club didn't get the Rules and 5 Rituals from NXIVM, did it?</p> <p>6 A. In that case, I don't know. That concept, 7 though, is applied in a way but not from us.</p> <p>8 Q. And you consider the Elks Club a competitor 9 of NXIVM's?</p> <p>10 A. If you're looking at the Elks Club as an 11 organization to which people may develop their time 12 or believe it increases their joy, betterment -- 13 their betterment in life, their feeling of that, 14 then it is because NXIVM looks to help people 15 increase their joy and increase their ability to 16 make ethical decisions. I think the Elks Club does 17 the same thing.</p> <p>18 Q. So any organization that helps people 19 increase their joy or make ethical decisions is a 20 competitor of NXIVM's?</p> <p>21 A. I think could be considered a competitor of 22 NXIVM's for people's time certainly and maybe even 23 also commerce.</p> <p>24 Q. Do you know whether or not any direct 25 competitors in the sense of teaching executive</p>
<p>Page 476</p> <p>1 leave at Rules and Rituals; and there are clients 2 who hear about certain aspects of the Rules and 3 Rituals that we have released that may never come 4 because of those.</p> <p>5 Q. Do any of NXIVM's competitors use these Rules 6 and Rituals?</p> <p>7 A. I don't know. I suspect NXIVM's competitors 8 use Rules and Rituals of their own.</p> <p>9 Q. But not NXIVM's Rules and Rituals?</p> <p>10 A. Well, I'm not sure.</p> <p>11 Q. You have no knowledge of any competitor using 12 NXIVM's Rules and Rituals?</p> <p>13 A. Um, I have knowledge I think of competitors 14 or what you might call competitors using similar 15 devices to NXIVM's that may serve them.</p> <p>16 Q. Give me some examples.</p> <p>17 A. Take, for example, if you -- depending on how 18 you view it, the Elks Club. If that is considered 19 in some ways a competitor for people's time with 20 NXIVM, they have a title from what I've heard. The 21 head of their areas -- and it might be the lodge; 22 I'm not sure -- is called the Grand Exalted Ruler.</p> <p>23 That serves a purpose within that organization which 24 I'm not privy to, but there are certainly people who 25 will thrive with something like that and people who</p>	<p>Page 478</p> <p>1 training use these Rules and Rituals?</p> <p>2 A. Um, I think there are organizations like 3 maybe in General Electric that use some sort of a 4 ranking system. I think they have like black belts, 5 green belts or some such thing like that. I know 6 that there have been martial arts organizations that 7 have translated over to do corporate training and 8 executive performance training. They certainly use 9 titles and ranks to some degree. Now, I don't know 10 exactly how they use them or why they use them.</p> <p>11 That would be their trade secrets. So, yes, I mean, 12 I imagine a number of them.</p> <p>13 Q. Is it your understanding that they developed 14 these trade secrets independently and not from 15 NXIVM?</p> <p>16 A. I wouldn't know. I mean, the older ones 17 developed them independently of NXIVM I'm sure.</p> <p>18 Q. You told us last time when we were discussing 19 Paragraph 38 of Raniere-11 that the 12 point Mission 20 Statement is the foundational principle and 21 principles from which everything else is ultimately 22 derived and that in some way, shape or form all ESP, 23 NXIVM flows from the 12 point Mission Statement.</p> <p>24 Is that right?</p> <p>25 A. I don't know if that's precisely what I said.</p>

Page 479	Page 481
<p>1 Do you have the deposition transcript? 2 Q. Well, let me ask you if you think that that's 3 a true statement? 4 A. Could you repeat it? 5 Q. The 12 point Mission Statement is the 6 foundational principle and principles from which 7 everything else is ultimately derived. 8 MR. McGuire: What are you reading from, 9 Mr. Skolnik, what paragraph? 10 MR. SKOLNIK: I'm not reading from any 11 paragraph, Bill. 12 MR. McGuire: Are you reading from a 13 transcript? 14 MR. SKOLNIK: I'm -- 15 MR. McGuire: Oh, I'm sorry. I thought 16 you were quoting something. I beg your pardon. 17 MR. SKOLNIK: I'm quoting Mr. Raniere's 18 testimony at his last deposition. 19 MR. McGuire: Okay. 20 A. And I can't see that? 21 Q. That the 12 point Mission Statement is the 22 foundational principle and principles from which 23 everything else is ultimately derived; and in some 24 way, shape or form all of ESP, NXIVM flows from the 25 12 point Mission Statement.</p>	<p>1 A. I think the module Tribute -- are you talking 2 about the written form of the module? 3 Q. The written form of the module. 4 A. As I said with the written form of the module 5 of Rules and Rituals, I think that is an important 6 thing. I think that it acts -- can act as a window 7 into the trade secrets. You know, I think it is a 8 very important aspect -- asset to ESP. 9 Q. When you say they could act as a window, 10 are you saying that you don't think that Rules and 11 Rituals -- the written module Rules and Rituals is 12 itself a trade secret? 13 A. I don't know if I could evaluate that, and I 14 guess I would -- if we decided to go the copy route 15 -- copyrighting it, inasmuch as it's disclosed for 16 copyrighting purposes, I guess the written portion 17 of it is not, but it becomes -- see, if someone 18 takes material that they should not have, they waive 19 a certain right. They actually have a certain 20 responsibility. 21 I might say if I've stolen the trade secret 22 of say Coca-Cola, the formula, are any of the 23 letters trade secrets, no, but because I know the 24 trade secret the way I orchestrate them in my 25 transmission of information could give away the</p>
Page 480	Page 482
<p>1 A. Okay. What I would say is that the 12 point 2 Mission Statement embodies some bas -- some of the 3 very basic principles, the starting principles of 4 all of ESP, NXIVM. I even think there have been 5 other principles certainly developed after that, but 6 the very start of ESP, NXIVM -- now NXIVM was a 7 certain type of discovery and understanding. That 8 discovery and understanding was embodied in part in 9 the 12 point Mission Statement, yes, so I think that 10 is a foundational document. 11 Q. Okay. So Rules and Rituals and the Mission 12 Statement are important and valuable trade secrets 13 for NXIVM, is that right? 14 A. Well, I don't know about the 12 point Mission 15 Statement being a trade secret. The 12 point 16 Mission Statement is a copyrighted work of mine. 17 Rules and Rituals is a different thing. Rules and 18 Rituals is a whole module. There's the actual 19 statement, the copyrighted module, and then there's 20 the practices of it, and then there's the concepts 21 behind it. I think when you talk about Rules and 22 Rituals, it's a much more robust thing. 23 Q. What about the module called Tribute? Is 24 that an important and valuable trade secret of 25 NXIVM's?</p>	<p>1 trade secrets. So the letter of Rules and Rituals 2 inasmuch as it is copywritten is not in itself a 3 trade secret but wielded by someone who has the 4 trade secrets can become a window to see those trade 5 secrets. 6 Q. Wielded by someone who has the trade secret. 7 How has that person come into possession of the 8 trade secret? 9 A. Well, in the particular case here, I believe 10 that the trade secrets, the confidential manuals, 11 things that are our property were taken and utilized 12 improperly. And when you take someone else's 13 property, you are given abilities to disclose things 14 about that property that you wouldn't have if you 15 didn't have the property. 16 Q. Coming back to the Tribute module. Is the -- 17 is the written portion of the Tribute module a trade 18 secret, a NXIVM trade secret? 19 A. Well, inasmuch as the written portion of the 20 module has been published through the copyright 21 process so that it is generally available to people, 22 those actual words in themselves are not a trade 23 secret but can be used by someone who has the trade 24 secrets to reveal the trade secrets. 25 Q. Is the Tribute module also foundational?</p>

<p style="text-align: right;">Page 483</p> <p>1 A. I think it is a very important module.</p> <p>2 Q. What about Face of the Universe? Is Face of</p> <p>3 the Universe foundational?</p> <p>4 A. That's even more confidential and</p> <p>5 foundational.</p> <p>6 Q. And, once again, the written portion of Face</p> <p>7 of the Universe is a trade secret or is not?</p> <p>8 A. Well, as with any of the modules but</p> <p>9 especially with Face of the Universe there are</p> <p>10 several versions. There's the module that's in the</p> <p>11 Intensive. There's the student notes. With Face of</p> <p>12 the Universe, there's also facilitator notes. There</p> <p>13 are also coach notes. Those are different works, if</p> <p>14 you will. So with a module where we may have</p> <p>15 something registered in the copyright office which</p> <p>16 is the version that the student receives in the</p> <p>17 course, something like Face of the Universe has much</p> <p>18 more behind it and other written portions behind it.</p> <p>19 Q. You're the sole author of the Mission</p> <p>20 Statement, is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Did you transfer or assign your rights to ESP</p> <p>23 or NXIVM?</p> <p>24 A. At one point, it was copyright, I believe,</p> <p>25 Executive Success Programs; and then I believe I had</p>	<p style="text-align: right;">Page 485</p> <p>1 interests to NXIVM or ESP?</p> <p>2 A. I don't know if I had copyright interest.</p> <p>3 Q. Did you write any of them?</p> <p>4 A. I wrote parts of them. Does -- I have a</p> <p>5 question of law. If I write a sentence, does that</p> <p>6 give me copyright interest in a chapter or a</p> <p>7 document?</p> <p>8 Q. Well, you can ask your counsel about that.</p> <p>9 Have you entered into a written transfer or</p> <p>10 assignment to ESP of your rights to any materials</p> <p>11 that you've created?</p> <p>12 A. I think I have.</p> <p>13 Q. What do you believe that you have transferred</p> <p>14 to ESP in a written assignment?</p> <p>15 A. ESP, I'm not sure. I think there may have --</p> <p>16 at one point, I think the Mission Statement was</p> <p>17 theirs. I don't know if I actually signed a written</p> <p>18 transference. I know that First Principles has a</p> <p>19 number of the copyrights -- not copyrights --</p> <p>20 patents assigned to them, and I did sign those</p> <p>21 assignments. I've signed a number of different</p> <p>22 assignments. I don't know what they all are.</p> <p>23 Q. Let me ask you to turn to Paragraph 40 of</p> <p>24 your Affidavit.</p> <p>25 A. Uh-huh.</p>
<p style="text-align: right;">Page 484</p> <p>1 it transferred back to me.</p> <p>2 Q. Are you the sole author of Rules and Rituals?</p> <p>3 A. No, I don't think so.</p> <p>4 Q. What about Tribute?</p> <p>5 A. I don't think so.</p> <p>6 Q. Work and value?</p> <p>7 A. I don't think so.</p> <p>8 Q. Face of the Universe?</p> <p>9 A. No, I don't think so.</p> <p>10 Q. Are you a joint author on any of those works?</p> <p>11 A. I may be certainly Tribute, I believe. I</p> <p>12 don't know if the current version or the version</p> <p>13 that your client received, assuming they received</p> <p>14 such a version -- I believe they did -- was authored</p> <p>15 at all by me, but the initial version of Tribute</p> <p>16 certainly had some of the words that I put together</p> <p>17 in the final product. That's what I mean by</p> <p>18 "author."</p> <p>19 Q. And, again, with respect to any of those</p> <p>20 modules, did you transfer or assign your rights to</p> <p>21 ESP or NXIVM?</p> <p>22 A. I believe those modules are copyright ESP and</p> <p>23 NXIVM, the words.</p> <p>24 Q. But to the extent that you wrote some of</p> <p>25 them, did you transfer or assign your copyright</p>	<p style="text-align: right;">Page 486</p> <p>1 Q. And you say, "We also created a Persistency</p> <p>2 and Motivational State module which contained the</p> <p>3 psycho-physical motivational portion of my model</p> <p>4 (the experiential learning of motivation). I had</p> <p>5 started to develop this in 1989 and had tested it</p> <p>6 with success through my corporate marketing and</p> <p>7 sales experiences. This foundational module taught</p> <p>8 people the experiential learning of motivation.</p> <p>9 This is one of the copyrighted modules that is being</p> <p>10 given away and disparaged."</p> <p>11 A. Uh-huh.</p> <p>12 Q. Did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. How is this module foundational?</p> <p>15 A. Well, one of the important aspects of</p> <p>16 behavior is motivation. It's also important in</p> <p>17 decisions. This module represents a portion of how</p> <p>18 a person can learn motivation, can alter their</p> <p>19 motivation, so that allows them to alter their</p> <p>20 behavior and alter their decisions. They can</p> <p>21 become, if you will, more the author of their</p> <p>22 behavior.</p> <p>23 Q. How is this module being given away?</p> <p>24 A. It is my understanding that your client has</p> <p>25 the materials or some of the materials relating to</p>

Page 487

1 this module and that those were given to different
2 people to look at, to evaluate, to maybe even
3 disburse. I think that's how this material is being
4 given away.

5 Q. So, in other words, you're not talking about
6 it being given away to the general public?

7 **A. Well, it may be given away to the general**
8 **public through these activities. They provide a**
9 **window that is a window into our private property**
10 **that we did not want.**

11 Q. In Paragraph 41 you say, "We started our
12 company with 20 basic copyrighted modules and have
13 now grown to have over 250 modules. Work and value
14 was and is the foundational module for the whole
15 Ethos and Intensive curriculums. This is another
16 one of the copyrighted modules that is being given
17 away and disparaged."

18 **A. Uh-huh.**

19 Q. So Work and value is an important and
20 valuable trade secret of NXIVM's?

21 **A. Work and value taken in its -- in its**
22 **entirety, meaning the written word, the practice of**
23 **it, how it's executed and the concepts behind it, is**
24 **an extremely important module.**

25 Q. In what way is it foundational?

Page 489

1 being published on the internet. Do you know
2 whether or not portions of Work and value are, in
3 fact, being published on the internet?

4 **A. I believe they were. I believe they're in**
5 **the Martin report, although I'm not positive at this**
6 **point.**

7 Q. What about Persistency and Motivational
8 State?

9 **A. I believe the same thing. I think they are**
10 **part of the Martin report; but when it comes**
11 **especially to things like values and things like**
12 **motivation, to have a psychiatrist write a report**
13 **who has that information starts to give windows into**
14 **our private property that are not appropriate.**

15 Q. So you believe that the Martin articles
16 provide windows into the trade secret of Persistency
17 and Motivational State and Work and value?

18 **A. I believe that -- yes, I believe that's**
19 **likely true.**

20 Q. Let me ask you to turn to Paragraph 43. And
21 in Paragraph 43 you say, "To become a facilitator
22 requires earning the right to be a coach, being
23 observed over a period of months, meeting rigorous
24 standards to be promoted and reaffirming the
25 confidentiality of the material. This process can

Page 488

1 **A. If a person doesn't understand their values,**
2 **they can't make decisions based on them. The best**
3 **decis -- the best type of decision is if a person**
4 **understands their values and can make decisions**
5 **based on those values.**

6 Q. And once again, how is -- how is this module
7 being given away?

8 **A. Well, because -- and, again, I believe it is**
9 **one of the written expressions that your client has**
10 **-- to have that not only exposed but analyzed by**
11 **people who have the rest of the material, have the**
12 **rest of the manuals, the student notes, the**
13 **facilitator notes, things that aren't available,**
14 **that person can use it to provide a window; and even**
15 **the nature of having those materials changes their**
16 **expression.**

17 Q. When you wrote in Paragraph 40 and 41 that
18 the modules were being given away, did you mean by
19 "given away" that Rick Ross gave these materials to
20 other people?

21 **A. I think both directly and indirectly if**
22 **portions of Work and value are published on the**
23 **internet and this is our confidential information**
24 **that is not to be published, it's being given away.**

25 Q. You say if portions of Work and value were

Page 490

1 take more than a year. The facilitator is then
2 given access to the facilitator projective training.
3 Our written information for this course is stored
4 offsite in a single computer with only 3 people who
5 have access: Myself (the creator of the material),
6 Nancy Salzman, (the president of NXIVM Corporation)
7 and Loreta Garza (Nancy Salzman's personal
8 assistant). This trade secret, possibly the most
9 valuable trade secret in our company, is being
10 displayed on the internet."

11 Did I read that accurately?

12 **A. I believe so, yes.**

13 Q. Okay. Your last sentence says, "This trade
14 secret, possibly the most valuable trade secret in
15 our company, is being displayed on the internet."

16 What precisely is the trade secret you're
17 referring to in that sentence?

18 **A. The confidential property that was taken.**

19 Q. Can you be more specific about what you mean
20 by "this trade secret"?

21 **A. What I wrote in this paragraph I gave some**
22 **background as to how someone gets access to this**
23 **material, and this material was never to even have**
24 **left the center, the facilitator notes for Face of**
25 **the Universe projective training. And those notes**

<p>1 were taken. Those notes were incorporated into an 2 amalgamation of different things, the manual, 3 facilitator notes, coach's notes, student notes and 4 were given to Rick Ross, your client, who gave those 5 materials to be evaluated and to be commented upon; 6 and I believe it was Paul Martin that actually 7 printed some of those materials and put them in a 8 report that is on the web. Yes.</p> <p>9 Q. What is the facilitator projective training?</p> <p>10 A. It's a training. Can you be more specific?</p> <p>11 Q. Well, you say in this paragraph, "The 12 facilitator is then given access to the facilitator 13 projective training."</p> <p>14 A. Yes.</p> <p>15 Q. So I'm asking you to tell us what that means.</p> <p>16 A. Oh. It's a special training in -- actually 17 in the specific case here, there was a very special 18 facilitator projective training that was given to I 19 think maybe only 25 people in the whole history of 20 the company; and it was a special training on the 21 materials, the use of the materials, things about 22 the materials. It's a training.</p> <p>23 Q. Does the facilitator projective training have 24 a written component?</p> <p>25 A. Yes, I believe it does.</p>	<p>1 Q. Are there hard copies of the written 2 information?</p> <p>3 A. I don't believe there are unregistered hard 4 copies, but I'm not sure.</p> <p>5 Q. Well, whether registered or not, do you know 6 whether or not there are hard copies of the 7 material?</p> <p>8 A. I do not know.</p> <p>9 Q. Do you know whether or not there is a backup 10 of the material that's stored on the computer?</p> <p>11 A. I would imagine there is a backup that would 12 be offsite from where the computer is, but I'm not 13 sure.</p> <p>14 Q. Have all of the people who have access to 15 this training signed confidentiality agreements?</p> <p>16 A. Yes.</p> <p>17 Q. Now, in the beginning of Paragraph 43 you 18 talk about becoming a facilitator requires meeting 19 rigorous standards.</p> <p>20 What are the rigorous standards to being 21 promoted?</p> <p>22 A. Without knowing all of the specifics, the 23 person has to be observed. They have to be skilled 24 at interacting with people, using certain tools.</p> <p>25 They have to make assertions relating to what they</p>
<p>1 Q. And is that written component information 2 for the course that students take to become 3 facilitators?</p> <p>4 A. The specific facilitator projective training, 5 the written portion of that is used only for that 6 training.</p> <p>7 Q. And the training you're talking about is the 8 training to become a facilitator?</p> <p>9 A. Yes, yes.</p> <p>10 Q. Have the copyrights been registered in any of 11 those written materials?</p> <p>12 A. I believe they are copywritten by the indicia 13 or whatever on the bottom. I don't think they have 14 been registered with the copyright office. I'm not 15 sure.</p> <p>16 Q. Okay. Were you involved in developing the 17 security protocol for the facilitator projective 18 training?</p> <p>19 A. Was I involved? Not so directly. I believe 20 that was done by attorneys.</p> <p>21 Q. Where is the information stored?</p> <p>22 A. Well, at this time it was stored in a single 23 computer. I think it is still stored in a single 24 computer offsite, but I don't know. I haven't 25 accessed that information in many years.</p>	<p>1 want to do within the program and keeping the 2 information confidential, those sort of things and 3 meet, if you will, the approval of the people or 4 person teaching this course to be allowed in.</p> <p>5 Q. Now, a part of earning the right to be a 6 coach requires bringing in new students to NXIVM; 7 isn't that right?</p> <p>8 A. I believe so, yes.</p> <p>9 Q. Okay. Well, taking all of the rigorous 10 standards that you just described for us as well as 11 bringing in new students, which of those rigorous 12 standards for promotion did Stephanie Franco meet?</p> <p>13 A. My assumption is her being in the facilitator 14 program means she met all of the standards.</p> <p>15 Q. You make that assumption?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Do you know that for a fact?</p> <p>18 A. I didn't see the process.</p> <p>19 Q. But is it your understanding that if she 20 hadn't satisfied all of those rigorous standards she 21 would not have been given access to the facilitator 22 projective training?</p> <p>23 A. That is my understanding, yeah.</p> <p>24 Q. I'm going to read you a few quotes from the 25 Martin and Hochman articles and ask you some</p>

	Page 495	Page 497
<p>1 questions about the quotes. 2 A. Can I read along with you or can I -- 3 Q. Well, if you want to try and find it. I 4 don't think you're going to need to. 5 A. Okay. 6 Q. The first quote is from Parasite/producer I. 7 The quote is, "Parasites unable to take care of 8 themselves. They depend on others for their very 9 survival. Parasite strategies keep people dependent 10 on others and lower self-esteem." 11 Are those passages trade secrets? 12 A. I would say they're certainly windows to 13 trade secrets. 14 Q. Again, windows rather than trade secrets 15 themselves? 16 A. That may be a trade secret. I don't know. 17 Our -- I believe our understanding of self-esteem is 18 extremely unique and valuable. 19 Q. Well, does NXIVM consider those statements 20 confidential and proprietary? 21 A. I don't know what NXIVM considers them, and I 22 don't know if those statements are registered in the 23 copyright office available to the public. I don't 24 know. 25 Q. Do you consider them confidential?</p>	<p>1 start to define self-esteem by our methods and our 2 materials, you start to give away information that's 3 extremely valuable to us. 4 Q. The next quote is from Building an excited 5 state. The quote is, "Enthusiastic people are 6 better able to communicate and even sell their ideas 7 with ease." 8 Is that statement a trade secret? 9 A. Well, like all of the other statements in 10 themselves, it starts to provide a window into the 11 technology; and if someone has the manuals and the 12 trade secrets there or some of them, they can 13 utilize that statement to begin to transmit our 14 confidential property. 15 Q. Is there anything that you consider unique 16 about that statement? 17 A. I'm not sure. The first thing, if that -- if 18 it has been decided that that statement was released 19 to the public in an exchange for copyright 20 protection, I couldn't say that that statement is 21 any longer secret. The objective in releasing any 22 statements through copyright was to maximize the 23 protection of our property. Much like the formula 24 of Coke: If it's carbon, hydrogen and nitrogen, I 25 don't know if carbon is a trade secret, but I can</p>	
	Page 496	Page 498
<p>1 A. The statements themselves? 2 Q. Yeah. 3 A. If they are not released to the public, I do 4 consider them confidential. 5 Q. Well, putting aside whether they've been 6 released to the public, do you consider them secrets 7 of NXIVM's? 8 A. I can't answer that because if they're 9 released to the public, they're not secrets. 10 Q. Okay. What do you consider unique about 11 those statements? 12 A. I consider the relationship between 13 self-esteem and parasite strategies something that 14 is unique to a great degree. I believe that our 15 training relating to self-esteem is highly 16 confidential and valuable. 17 Q. What about the statement itself, the 18 statement, "Unable to take care of themselves. 19 Parasites depend on others for their very survival"? 20 Is there anything unique about that statement? 21 A. Well, you're starting to describe something 22 under the label of parasite and relating it to 23 self-esteem. Self-esteem is a very commercially 24 valuable concept. People look to increase 25 self-esteem and often can't even define it. As you</p>	<p>1 use it to present a trade secret. So that specific 2 quote could be used, but I don't know if that quote 3 contains a trade secret per se. 4 Q. My question was whether or not you consider 5 anything unique about the statement, "Enthusiastic 6 people are better able to communicate and even sell 7 their ideas with ease." 8 A. I may have heard that elsewhere. I think it 9 seems somewhat obvious on face value, but then 10 sometimes obvious things are very unique. I -- I 11 haven't studied that in the rest of the world. 12 I think it's a good statement. 13 Q. Do you think it's a unique statement? 14 A. I don't know if it's unique. 15 Q. The next quote is from Crime and punishment. 16 The quote is, "Ethics are well-formed consistent 17 postulates by which we live. Ethics is an internal 18 guide, something that we have personally derived 19 from our experience and is personal to us." 20 Is that passage a trade secret? 21 A. I think that passage represents a window 22 into trade secrets, and I think some of the ideas 23 presented there are likely very unique and 24 proprietary. 25 Q. Who do you consider to be NXIVM's direct</p>	

<p>1 competitors?</p> <p>2 A. I guess I don't know what you mean by "direct</p> <p>3 competitors."</p> <p>4 Q. Competitors who train executives and train</p> <p>5 individuals about better ways to live their lives.</p> <p>6 A. Gosh, that's a very broad field. I think --</p> <p>7 I guess I wouldn't define direct competitor like</p> <p>8 that. I would say anyone that increases -- where an</p> <p>9 executive has a choice between spending time or</p> <p>10 resources focusing on something to do with NXIVM to</p> <p>11 get more joy in their life and be a more joyous</p> <p>12 person and focusing on an -- or focusing on another</p> <p>13 program that other program is directly competing</p> <p>14 with that executive's time, focus, resources so...</p> <p>15 Q. Are you familiar with the concept large group</p> <p>16 awareness training?</p> <p>17 A. Yes, to some degree.</p> <p>18 Q. Is NXIVM a large group awareness training</p> <p>19 organization?</p> <p>20 A. I don't think so.</p> <p>21 Q. You don't think so?</p> <p>22 A. No.</p> <p>23 Q. Who do you consider to be a large group</p> <p>24 awareness training organization?</p> <p>25 A. Well, I heard that Landmark Forum is a large</p>	Page 499	Page 501
<p>1 group awareness training. I've actually looked</p> <p>2 superficially for a definition of large group</p> <p>3 awareness training. I've seen a few, and in those</p> <p>4 I think Landmark would probably fall into that or at</p> <p>5 least some of their programs. Anthony Robbins</p> <p>6 maybe. I'm not that well familiar with the</p> <p>7 different trainings that are around that would be</p> <p>8 large group awareness trainings.</p> <p>9 Q. Any others that you can think of beside</p> <p>10 Landmark and Anthony Robbins?</p> <p>11 A. I'm not sure if Tabi Kahler is. I can't</p> <p>12 think off the top of my head of any more.</p> <p>13 Q. Is Landmark Education a competitor of</p> <p>14 NXIVM's?</p> <p>15 A. I would say so.</p> <p>16 Q. What about Anthony Robbins? Is he a</p> <p>17 competitor of NXIVM's?</p> <p>18 A. I would say so.</p> <p>19 Q. Tabi Kahler?</p> <p>20 A. I would say so.</p> <p>21 Q. What would a competitor have to do to</p> <p>22 duplicate a NXIVM module?</p> <p>23 A. I don't know. I think depending on the</p> <p>24 cleverness of the competitor or their motivation</p> <p>25 there could be either a lot or a little depending on</p>	Page 500	Page 502

Page 503

1 efforts, attentions. In some cases, Rick Ross
2 selling videos through his sites, for example, may
3 compete with us because he sells videos on critical
4 thinking. We sell programs on critical thinking.
5 Someone who decides to choose one or the other would
6 see them as competitors I imagine. I do.

7 Q. Are you aware -- let me rephrase my question.

8 Are you aware of any NXIVM competitor who
9 offers training who has used the information from
10 the manual that was included in the articles to
11 compete with NXIVM?

12 A. I think Rick Ross offers training.

13 Q. You think so?

14 A. He does what he calls exit interviews similar
15 to our coaching sessions, similar to different
16 programs that we run. People come to him to achieve
17 certain objectives within their personality. I
18 assume people come to him at times to be more
19 joyful. People come to us for that, too. People
20 pay good money, I believe, for that. And if it's a
21 choice -- for example, if someone is -- I'm going to
22 use in something that Rick Ross calls a cult or a
23 destructive group or something that Rick Ross has
24 studied and that person wants advice on how to
25 handle their experience in that group, they can

Page 503

1 reports of people who have stopped taking NXIVM
2 courses for various reasons relating to what is on
3 the Ross site, and I believe some of them
4 specifically relate to the Hochman and Martin
5 articles.

6 Q. Well, that's -- my question is specifically
7 the Martin and Hochman articles.

8 A. Yes. I believe I have heard of such people.
9 I even believe I have spoken to such people
10 potentially. I can't think of who they are off the
11 top of my head. There have been hundreds of people
12 or thousands.

13 Q. Thousands of people who have said that they
14 stopped taking NXIVM's courses because of the Martin
15 and Hochman articles and have said that to you?

16 A. I -- no. I believe that there are thousands
17 of people who have not become involved with ESP
18 because of the negative PR generated from the Ross
19 site. The subset of how many of those people
20 specifically did not take ESP because of the Hochman
21 and Martin articles I don't know, and it's certainly
22 I don't believe thousands, but I don't know.

23 Q. And you say that you believe that there are
24 some written materials where people talk about not
25 taking the course because of the Martin and Hochman

Page 505

Page 504
1 choose to either hire Rick Ross or hire us. We sit
2 as competitors.

3 Q. Other than Rick Ross, is there any -- a
4 competitor who offers training who you believe has
5 used the information that was in the articles to
6 compete with NXIVM?

7 A. Off the top of my head, I don't think so,
8 although I do classify both Paul Martin and John
9 Hochman as people who do offer trainings and do
10 offer similar services in some ways to us. They
11 sell videos for people, they give informational
12 seminars that people pay to come to; and in some
13 ways, some people would say they're even in -- are
14 active in giving seminars and so do we.

15 Q. Are you aware of any competitor who has
16 reverse engineered or reconstructed or mimicked or
17 duplicated the Rational Inquiry method or any other
18 NXIVM training methods using only the materials
19 disclosed on the Ross website?

20 A. Not that I am aware of.

21 Q. Do you know of anyone who stopped taking
22 NXIVM courses because of the posting of the Hochman
23 and Martin articles on the Ross website?

24 A. I -- yes, I do, and I have -- I should say I
25 have heard of and heard that there are written

Page 504

Page 506

1 articles?

2 A. I believe so.

3 Q. Okay.

4 MR. SKOLNIK: Those have certainly been
5 requested in prior production, and we have received
6 no such, so I would call for their production.

7 (Request.)

8 Q. Do you know of anyone who did not start
9 taking NXIVM courses because of the posting of the
10 Martin and Hochman articles?

11 A. I don't know specifically. I have not spoken
12 specifically to any such people.

13 Q. Now, you understand that my earlier question
14 was about people who started taking NXIVM and then
15 stopped --

16 A. Right.

17 Q. -- because of the articles.

18 A. Right.

19 Q. And you're saying that there are some such
20 people, as far as you know?

21 A. I believe so, but I don't know of any that
22 I've had direct contact or seen direct contact who
23 were intending on taking a course and saying, "Well,
24 now I have not because of these articles," although
25 certainly such people may exist.

<p style="text-align: right;">Page 507</p> <p>1 Q. Would you agree that if NXIVM has lost any 2 business or any money from the Martin and Hochman 3 articles it's not because anyone has used those 4 articles to compete with NXIVM other than Ross and 5 Martin and Hochman but because those articles 6 disparage NXIVM?</p> <p>7 A. I don't know enough about what you mean by 8 "disparage," but I don't think I would agree with 9 that statement because I think Forbes, things like 10 that, as I have explained, have dissuaded people 11 from taking NXIVM courses and probably to some 12 degree have even boosted subscriptions. I don't 13 know.</p> <p>14 Q. But, again, the loss of business would be 15 attributable to what it is that Forbes said about 16 NXIVM that was disparaging?</p> <p>17 A. I don't know if I would say that's the only 18 reason why the business was lost.</p> <p>19 Q. What else -- what else about Forbes would 20 have led to the loss of business?</p> <p>21 A. I guess it depends on what you say as 22 disparaging, but if Forbes goes and prints 23 confidential material and someone believes the 24 confidential material is out, so to speak, the cat 25 out of the bag, I imagine there may be some people</p>	<p style="text-align: right;">Page 509</p> <p>1 A. I wouldn't say it's an aspect of the 2 training. That's -- I think they're effects of the 3 training, hopefully.</p> <p>4 Q. Hopefully, effects of the training?</p> <p>5 A. Hopefully.</p> <p>6 Q. What about doing everything with integrity?</p> <p>7 A. I don't -- I think an effect of any ethics 8 training program we would hope that people have more 9 integrity.</p> <p>10 Q. What about gaining the ability to virtually 11 take control of any situation? Is that an aspect of 12 the NXIVM training?</p> <p>13 A. I would say when you say take control of a 14 situation, that would have to have an ethics thought 15 in it. I would hope that it would be an effect of 16 the ethics training or the NXIVM training that 17 people would believe they have more control of their 18 destiny and their lives.</p> <p>19 Q. Let me read you some quotes, and then when 20 I'm done I'll ask you to tell me if you recognize 21 the quotes and if you know who said them.</p> <p>22 The first quote is, "In essence, if we want 23 to direct our lives, we must take control of our 24 consistent actions. It's not what we do once in 25 awhile that shapes our lives but what we do</p>
<p style="text-align: right;">Page 508</p> <p>1 who say, well, I don't have to go to NXIVM. This is 2 probably out and distributed and nothing new, 3 nothing unique.</p> <p>4 Q. Do you believe that Forbes printed 5 confidential material?</p> <p>6 A. I don't recall completely the Forbes article, 7 although I do recall that it had an excerpt from the 8 Hochman report and referenced it. So inasmuch as 9 the Hochman report and leading then to the Ross site 10 prints confidential information, I guess Forbes 11 directing people either directly or indirectly to 12 that does that.</p> <p>13 Q. Would you agree that each of the following 14 is an aspect of NXIVM training; harnessing your 15 personal power?</p> <p>16 A. I would like to think that's part of the 17 NXIVM training.</p> <p>18 Q. How about taking responsibility for your 19 choices?</p> <p>20 A. Well, I think these are general effects 21 hopefully of the NXIVM training. I don't know if 22 it's what I'd call part of the NXIVM training. It 23 sounds like something that would be desirable 24 effects, yes.</p> <p>25 Q. Is it an aspect of the training?</p>	<p style="text-align: right;">Page 510</p> <p>1 consistently."</p> <p>2 Now, let me read you another. "Our programs 3 focus on creating consistency in all areas."</p> <p>4 And another: "Beliefs have the power to 5 create and the power to destroy. Human beings have 6 the awesome ability to take any experience of their 7 lives and create a meaning that disempowers them or 8 one that can literally save their lives."</p> <p>9 Another: "The will that transforms our ideas 10 into actions with our guiding beliefs forms our 11 emotional constitution. You'll experience the joy 12 and power of taking control of your life and look 13 ahead to a future in which all things are possible."</p> <p>14 Then a final pair: "Knowing what to do is 15 useless without the emotional strength to do what 16 you know.</p> <p>17 And finally, "It's not knowing what to do. 18 It's doing what you know."</p> <p>19 A. Okay.</p> <p>20 Q. Do you recognize those quotes?</p> <p>21 A. Well, I think the one before the last is from 22 me. I don't know. Some of those quotes are very 23 nice. I don't recognize them, per se. They seem 24 like they reflect some important human values.</p> <p>25 Q. Any others that you recognize that you were</p>

Page 511

1 the author of?
2 **A. I might have been authors of the other -- no,**
3 **not off the top of my head, though.**
4 Q. What about, "Our programs focus on creating
5 consistency in all areas." Do you know who said
6 that?
7 **A. It could have been me, but I think it could**
8 **have been others.**
9 Q. What about, "In essence, if we want to direct
10 our lives, we must take control of our consistent
11 actions. It's not what we do once in awhile that
12 shapes our lives but what we do consistently?"
13 **A. I don't know if I would have said that. I**
14 **think that in a broader context that's good, but I**
15 **do think someone can do a single decision and shape**
16 **-- help shape their lives, also, so I'm not sure I**
17 **completely agree with the quote as it is extracted.**
18 Q. What about, "Beliefs have the power to create
19 and the power to destroy. Human beings have the
20 awesome ability to take any experience of their
21 lives and create a meaning that disempowers them or
22 one that can literally save their lives?"
23 Do you know who says that?
24 **A. I don't. I think it's an interesting quote.**
25 Q. What about this one: "The will that

Page 513

1 you know"?
2 **A. I think that's a quote in one of the**
3 **brochures, but I'm not positive.**
4 Q. And who wrote that quote?
5 **A. I think I wrote that at some point.**
6 Q. So some of the quotes that I've read you
7 you identify as things that you wrote, and others
8 you don't know who wrote them; is that right?
9 **A. Correct.**
10 Q. You know who Anthony Robbins is, don't you?
11 **A. Yes.**
12 Q. You attended Tony Robbins' seminars before
13 you formed ESP, NXIVM?
14 **A. No.**
15 Q. You didn't?
16 **A. I've never attended an Anthony Robbins**
17 **seminar.**
18 Q. You met with Mr. Robbins personally at least
19 once, isn't that so?
20 **A. Yes.**
21 Q. And it's also true that both Anthony Robbins
22 and Nancy Salzman once taught neuro-linguistic
23 programming, isn't that right?
24 **A. I believe so. I don't know if Anthony**
25 **Robbins taught neuro-linguistic programming. I know**

Page 512

1 transforms our ideals into ac -- our ideas into
2 actions with our guiding beliefs forms our emotional
3 constitution. You'll experience the joy and power
4 of taking control of your life and look ahead to a
5 future in which all things are possible"?
6 **A. That might be something in like an Ethos**
7 **brochure or something, but I think it's an**
8 **optimistic quote.**
9 Q. You don't know who wrote it?
10 **A. Not off the top of my head.**
11 Q. Well, you did.
12 **A. Oh. Thank you, I guess.**
13 Q. How about, "It's not knowing what to do.
14 It's doing what you know"?
15 **A. I've written similar things like that. I**
16 **think in a broad context, that's good. In a limited**
17 **context, it may be problematic; I mean, if you're**
18 **talking about a killer.**
19 **THE VIDEOGRAPHER:** Excuse me. We have
20 to change tapes.
21 **THE VIDEOGRAPHER:** This is the beginning
22 of Tape Number 3. The time is 12:13.
23 **BY MR. SKOLNIK:**
24 Q. What about the quote, "Knowing what to do is
25 useless without the emotional strength to do what

Page 514

1 **he was schooled in neuro-linguistic programming.**
2 Q. And it's also true, isn't it, that just like
3 ESP and NXIVM, Robbins uses the title "coach"?
4 **A. I wasn't aware of that.**
5 Q. Let's look at Paragraph 3 of your Affidavit.
6 It says, "The expression of the work in the
7 copyrights of NXIVM has been drafted in a very
8 meticulous fashion such that words, the order of
9 words, questions and the order of questions used in
10 the copyrights are critical to the success of the
11 organization."
12 Can you give us an example of what you're
13 talking about here?
14 **A. In a module the order of the questions makes**
15 **a difference as to how people think about the**
16 **different concepts. Being inductive as opposed to**
17 **deductive, in the copywritten materials some of the**
18 **-- not only just the order of the concepts but even**
19 **the way the questions are phrased themselves can be**
20 **more open so that people will not import certain**
21 **assumptions.**
22 Q. And all of that as reflected in the written
23 work is critical to the success of the organization?
24 **A. That's a sweeping statement.**
25 **Are you saying that if the organization did**

Page 515	Page 517
1 not have any written work then we could not be 2 successful, would not be able to innovate to be 3 successful? 4 Q. Well, I'm just trying to understand what you 5 mean in Paragraph 3. The phrase "critical to the 6 success of the organization" is yours. 7 A. Uh-huh. Well, if you're asking me about the 8 question, the order of the questions used in the 9 copyright are critical to the success of the 10 organization. As those copyrights are used within 11 the organization, it has garnered a certain degree 12 of success. That success is in part not only 13 attributable to those orders, but I believe the 14 order of those words and those questions is critical 15 to the success that the organization at this point 16 in time had. 17 Q. In turning to Paragraph 4, Paragraph 4 has a 18 subtitle, "Damage and Irreparable Harm." You say, 19 "Three of the copyrighted materials currently posted 20 on the internet: 12 point Mission Statement, Work 21 and value and Face of the Universe reveal the 22 content and methodologies that are critical to the 23 heart of the entire coursework. Whole passages of 24 these copyrights have been literally copied by 25 defendants."	1 who read the material, read the passages and make a 2 judgment based on those passages. 3 Q. Can you give an example of where knowledge of 4 the next question compromises and alters the answer 5 to the current question? 6 A. A lot of different jokes, a lot of different 7 brain teasers. I could probably come up with a joke 8 that does something like that, but I think there are 9 a lot of situations in which knowing what comes next 10 changes what comes before. For example, the movie 11 <i>The Sixth Sense</i>, if you go to that movie and you 12 know ahead of time he is dead throughout the whole 13 movie, it changes your experience of the movie. 14 That's why they have plot spoiler alerts and things 15 like that. 16 Q. I'm really asking about what you mean in the 17 context of NXIVM's copyrights. 18 A. Okay. I don't have all of them in front of 19 me; but in some of them, if I remember correctly, 20 there were orders of concepts given. And if 21 someone, for example, knows that they are going to 22 be thinking about a certain concept next, it alters 23 the way they think of the concept that they are 24 thinking about at the time. 25 Q. And revealing the order of those questions
Page 516	Page 518

1 **A. Uh-huh.**
2 Q. "The wholesale copying of the copyrighted
3 materials of NXIVM through posting them on the
4 internet and other means reveals the heart of what
5 is important to the consumer and thus damages
6 NXIVM's ability to, among other things, sell
7 coursework to new consumers. Consumers that read
8 the passages may no longer desire to attend a course
9 wherein the material has been freely given to them.
10 Additionally, if the questions are known ahead of
11 time, the entire process is damaged. It is similar
12 to being told the punch line of a joke. The desired
13 effect is irreparably damaged. Our copyrighted
14 questions are designed to be answered without
15 knowledge of the next question. Knowledge of the
16 next question compromises and alters the answer to
17 the current question."
18 Now, I assume that those are true statements
19 and you stand by them?
20 **A. Yes, I believe so.**
21 Q. What is the basis for your statement,
22 "Consumers that related the passages may no longer
23 desire to attend a course wherein the material has
24 been freely given to them"?"
25 **A. Because I think there may be some consumers**

1 causes damage and irreparable harm to NXIVM?
2 **A. I believe so.**
3 Q. Now, you told us last time that you
4 acknowledge that you don't believe NXIVM can claim
5 trade secret status for any NXIVM materials that it
6 has made available to the public through its own
7 actions; right?
8 **A. That NXIVM -- when NXIVM makes materials
9 available to the public what is specifically
10 contained in those materials from my understanding
11 of trade secret are no longer trade secret. That
12 does not mean that those materials do not have
13 anything to do whatsoever with the effects of the
14 trade secrets.**
15 Q. And you went on to explain that if the
16 materials embody specifics of a trade secret, sort
17 of the cat is out of the bag.
18 Do you recall that testimony?
19 **A. Well, I mean, I could imagine I would say
20 that. What I -- to clarify it, you can release
21 specifics relating to a trade secret and still not
22 release the trade secret. If I have the formula for
23 Coke and I say it has carbon in it, I haven't
24 released a trade secret, but I have made a
25 compromise.**

Page 519

1 Q. Well, I think a minute ago you acknowledged
2 that if the order of the questions, for example, is
3 revealed, that causes damage and irreparable harm to
4 NXIVM.

5 **A. It can.**

6 Q. Would you agree that if NXIVM has itself
7 placed the 12 point Mission Statement, Work and
8 value, and Face of the Universe on the internet or
9 otherwise made them publicly available that it has
10 caused itself the damage and irreparable harm that
11 you were discussing in that paragraph?

12 **A. I think it's NXIVM's right to choose what it**
13 **does with its property. If NXIVM has placed things**
14 **on the internet, there is a downside, but then**
15 **there's an upside for NXIVM. For someone else to do**
16 **that is stealing the upside while executing the**
17 **downside.**

18 Q. What's the upside to NXIVM for placing this
19 material on the internet?

20 **A. Well, in the case, for example, when material**
21 **is stolen and someone else is publishing, taking**
22 **your right of first publication or whatever it is**
23 **away, you may have to make the compromise. You may**
24 **be forced to publish where you would not want to**
25 **publish, sustaining a short range or even a**

Page 521

1 **A. Now, I believe that is true, yes.**

2 MR. SKOLNIK: 42.

3 (One-page United States Copyright Office
4 document entitled Public Catalog was received and
5 marked Defendant's Exhibit Raniere-18 for
6 Identification.)

7 **BY MR. SKOLNIK:**

8 Q. Mr. Raniere, Exhibit 18 is a printout from
9 the Copyright Office catalog listing all of NXIVM's
10 registered copyrights.

11 **A. Okay.**

12 Q. Were you aware that NXIVM had made each of
13 the 22 modules listed here available to anyone who
14 might want to compete with NXIVM or duplicate its
15 programs?

16 **A. I was aware that NXIVM had made a number of**
17 **these available. It was a sad decision because of**
18 **the theft but, yes, I was aware that at least a**
19 **number of these, the student versions had been made**
20 **available.**

21 Q. Now, are you aware also that court filings
22 are publicly available on the internet unless they
23 are submitted and accepted under seal by the Court?

24 **A. I'm not sure if I'm completely aware of that.**
25 **I do believe that there are a lot of court**

Page 520

1 long-range damage to try to protect from an even
2 greater damage of someone else who has deprived you
3 of that right. So, you know, I don't know
4 specifically what you're talking about as far as
5 which things may or may not have been published; but
6 I suspect the decisions, because all of the NXIVM
7 material has been carefully guarded to the fullest
8 extent I think of the law with trademarks,
9 copyrights, patents, confidentiality, all that
10 stuff, those are hard decisions when someone takes
11 your property.

12 Q. Now, you're aware, aren't you, that when a
13 work is registered with the copyright office you
14 have to provide a copy of the work which is then
15 publicly available to anybody who wants to review
16 it?

17 **A. I am aware now. I also think there are --**
18 **and I'm not sure of this -- that there are ways in**
19 **certain circumstances to register part of a work,**
20 **but I don't know.**

21 Q. You don't know the details of that mechanism?
22 **A. No.**

23 Q. But as a general matter, you know that when
24 works are registered you deposit a copy that's made
25 available to the public?

Page 522

1 procedures that are available. I don't know what --
2 I think there are some that aren't, but I don't
3 know.

4 Q. Were you aware that NXIVM attached copies of
5 Rules and Rituals, Tribute, 12-point mission
6 statement, Work and value and the Face of the
7 Universe to its court filings and that those modules
8 are available to anyone who might want to compete
9 with NXIVM or duplicate its programs?

10 **A. I was under the impression that whatever was**
11 **attached to the court filings was either protected**
12 **in some way, had been filed with the copyright**
13 **office or had been submitted by the other side. I**
14 **also believe that the versions of Face of the**
15 **Universe because there's a student version, a**
16 **coaching version and a facilitator version, that not**
17 **all of them are so submitted. That's my**
18 **understanding.**

19 Q. Do you have any understanding about whether
20 or not the excerpts from any module that are quoted
21 in the Martin or Hochman articles come from the
22 versions that are posted at the copyright office and
23 on the internet?

24 **A. I think there are some things in those**
25 **articles that come from the copyright office and are**

Page 523

1 posted on the internet. I'm not sure -- I don't
2 believe all of them are. In particular, I think
3 the version of Face of the Universe that is posted
4 on the Martin article I think it is may be
5 different.

6 Q. And is it your understanding that it's
7 different in a way that is more revelatory of
8 NXIVM's trade secrets in the article as opposed to
9 at the copyright office?

10 A. I think even the fact that Martin had the
11 trade secret information makes that so but I would
12 -- I believe so, yes.

13 MR. SKOLNIK: Now would be a good time
14 to break, Tom.

15 MR. CAMPION: Sure.

16 (Witness excused.)

17 (At this point, the luncheon recess was
18 taken.)

19

20

21

22

23

24

25

Page 525

1 A. I think there's that aspect to it. There's
2 an additional aspect to it, too. If I haven't
3 published something, a curriculum, and you take that
4 curriculum and publish false facts about it, I'm put
5 in a position even if the false facts don't directly
6 damage me per se, being disparagement, I either have
7 to allow the public to have a false impression or
8 must publish the true facts in order to either
9 counter or add to whatever is out there.

10 Being forced to publish, in my estimation,
11 can be very damaging.

12 Q. But in the instances you're talking about in
13 Paragraph 5 you're being forced to publish by virtue
14 of false and disparaging statements made about you
15 or NXIVM, is that correct?

16 A. I'm sorry. I'm having trouble reading it.
17 That's why -- "Additionally, a multitude of
18 factually false statements surrounded by logically
19 invalid conclusions are used to" damage us (sic) --
20 or "disparage and damage us." So I think there's
21 damage outside of the disparagement.

22 Q. And what is that damage?

23 A. Forcing us to publish where we wouldn't want
24 to publish.

25 Q. Okay. In other words, damage that flows from

Page 524

1 AFTERNOON SESSION

2

3 THE VIDEOGRAPHER: We're back on the
4 record at 1:20.

5

6 KEITH ALAN RANIERE, previously
7 sworn, resumed the stand and testifies on his oath
8 as follows:

9

10 CONTINUED CROSS-EXAMINATION BY MR. SKOLNIK:

11 Q. Mr. Raniere, let me ask you to turn to
12 Paragraph 5 of your Affidavit.

13 A. Yes.

14 Q. And in Paragraph 5 before listing various
15 items you say, "False statement damage as of 8/8/03.
16 Additionally, a multitude of factually false
17 statements surrounded by logically invalid
18 conclusions are used to disparage and damage us."

19 Did I read that correctly?

20 A. I think so.

21 Q. Okay. So am I correct to understand that
22 what you are referring to in Paragraph 5 is damage
23 that you believe stems from false statements that
24 disparage you and/or NXIVM rather than damage from
25 misuse of NXIVM's trade secrets or copyrights?

Page 526

1 a decision that you or NXIVM make to publish?

2 A. Yeah. That's part of it, I think, yes.

3 Q. Well, you say "part of it." What else is it?

4 A. Well, I -- at the time I wrote this, it was
5 awhile ago. I would contemplate more. Let's see.
6 There are damages from disparagement, damages from
7 false -- forcing to publish. I suspect there's also
8 damages if someone says something that's inaccurate
9 that doesn't necessarily disparage you but misleads
10 people in interacting with you. For example, if
11 you're a plastic surgeon and I publish that you only
12 do some other type of operation, and that's the only
13 information that could be out there, people who
14 might use you as a plastic surgeon, although not
15 thinking badly of you, may not use you. And,
16 therefore, you would be damaged by a non-disparaging
17 false published statement.

18 So I think when I said "damages," I was also
19 talking about a greater universe than just
20 disparagement.

21 Q. All right. But this is not damage that flows
22 from the publication of NXIVM's trade secrets or
23 copyrights, is that right --

24 A. No, I think it could.

25 Q. -- in Paragraph 5?

Page 527

1 A. No, I think it could.
2 Q. How could it?
3 A. Well, if they're publishing things that are
4 not only just the copywritten materials but they
5 say, I have NXIVM's manual. I am a psychiatrist
6 which implies -- or a professor, whatever it is,
7 which implies I have certain earned authority, I
8 render these opinions, the opinions themselves may
9 not be disparaging but may mislead potential
10 customers to think we're a gynecologist instead of a
11 plastic surgeon or...
12 Q. So the statements may be misleading, but are
13 they revelations of NXIVM's trade secrets or
14 copyrights?
15 A. They can be. That's in addition.
16 Q. I'm talking about what you're addressing in
17 Paragraph 5.
18 A. Okay. The additional things or when it says,
19 "Additionally, a multitude of factually false
20 statements surrounded by invalid conclusions are
21 used to disparage and damage us"?22 Are you asking me is it possible that a
23 multitude of factually false statements surrounded
24 by logically invalid conclusions could aid or reveal
25 trade secrets?

Page 527

1 people interfacing with our organization containing
2 these false facts and our copyrighted material and I
3 have received messages and a threatening e-mail
4 addressed from a neighbor."
5 What information pack are you referring to?
6 A. There were information packs and have been
7 that were put together with information from the
8 Ross site. I also had heard that Rick Ross had an
9 information pack that he gave to people like Michael
10 Sutton.
11 Q. Who did you hear that from?
12 A. I heard that from Michael Sutton, and I had
13 also heard rumor one of the neighbors that were
14 opposing one of the NXIVM building projects said
15 that an information pack from Rick Ross that could
16 be just information from the Ross site was passed
17 around.
18 Q. Have you ever seen any of these information
19 packs?
20 A. Yes, I have. I've seen at least two of them.
21 Q. Have they been produced in this lawsuit?
22 A. I don't know.
23 MR. SKOLNIK: Well, let me request on
24 the record that these are encompassed by our prior
25 document demands and I would ask for their

Page 528

1 production.
2 MR. McGuire: Send us a letter to that
3 effect indicating where they were mentioned in
4 document demands.
5 MR. SKOLNIK: Well, among other things,
6 Harold's letter of March 27th asked for a copy of
7 any information pack that Mr. Raniere has received
8 that relates to NXIVM. This is the third time, as
9 far as I'm concerned, that we are asking for this.
10 MR. LEONARD: If you ask Mr. Raniere if
11 he had any, which is the next logical question,
12 he'll tell you.
13 MR. SKOLNIK: That request is addressed
14 to NXIVM as well as Mr. Raniere. Mr. Raniere said
15 that he has seen them, and I am asking for them to
16 be produced.
17 (Request.)
18 BY MR. SKOLNIK:
19 Q. What about the messages and e-mail that you
20 referred to? Were those produced?
21 A. I don't know. I cannot produce them.
22 Q. Do you know who sent the information pack
23 that you're referring to in Paragraph 5?
24 A. There are several of them. No, I do not know
25 where most of the information packs that I have

<p>Page 531</p> <p>1 heard of originated, although Michael Sutton said 2 Rick Ross gave him that information pack directly. 3 Q. Other than Michael Sutton's claim that 4 Rick Ross gave him an information pack, do you know 5 who sent any of the other information packs that you 6 are referring to in Paragraph 5? 7 A. No, I do not. 8 Q. Under, "Loss of key people," you say, "We 9 have lost a 4 year veteran Principal Coach - damage 10 that is beyond direct calculation - because of these 11 things. Goldie Hawn cancelled her engagement with 12 us next week because of the false press. A 13 billionaire network founder who had claimed 14 extensive involvement with us has left because of 15 the false reports. Key people have said they feel 16 vulnerable and, knowing the falsehood of the 17 information and knowing Rick Ross's criminal record 18 (published on the internet and defended in his 19 site), fear being attacked similarly. They are 20 scared of being attacked because they support us." 21 Did I read that correctly? 22 A. I believe so. 23 Q. Now, again, in this paragraph the damage here 24 flows from the false statements and disparagement? 25 A. I think the damage flows from the taking of</p>	<p>1 A. He didn't say. I don't think he -- he does, 2 but I don't know. 3 Q. What is the name -- I'm sorry. What is the 4 basis for the statement, "Goldie Hawn cancelled her 5 engagement with us next week because of the false 6 press"?" 7 A. It was my understanding that Goldie Hawn was 8 concerned having her representation or having her 9 reputation associated with us and because although 10 she thought -- and this is hearsay -- that it was 11 outrageous or seemingly exaggerated, she did not 12 want to engage in that engagement. 13 Q. Did you speak to her? 14 A. No, I did not. 15 Q. Okay. So everything that you know about what 16 she had to say is hearsay, is that right? 17 A. Yes, absolutely. 18 Q. Let me ask you to turn to Paragraph 44 of 19 your Affidavit and specifically to subparagraph (d) 20 like David. 21 And in subparagraph (d) you say, "Here is the 22 quote, 'Unsubstantiated extravagant claims: As 23 'proof' of the value of their 'technology,' the 24 group claims unprecedented results training over 25 400,000 individuals. Yet their website only comes</p>
<p>Page 532</p> <p>1 the material and all of the damages relating to that 2 which are multifaceted. 3 Q. What's the name of the four-year veteran 4 principal coach who left? 5 A. Peter Fallon. 6 Q. And what is the basis for your belief that 7 Mr. Fallon left because of the Ross website? 8 A. Conversations that I had with him. He said 9 he left because his wife had a phone call with 10 Rick Ross. He believed it originated from reading 11 the website, that he's a local business person -- 12 which he is -- and felt he couldn't afford to have 13 his reputation relating to us or being related to us 14 because of the things that are on the website. 15 Q. Did he specifically mention the Martin or 16 Hochman articles? 17 A. Yes. 18 Q. What did he say about them? 19 A. He felt that it looked pretty bad that a 20 person of the authority of John Hochman, who in the 21 article it's titled I guess he's an assistant or an 22 associate professor and a psychiatrist, would say 23 such things about us, true or untrue. 24 Q. Did Mr. Fallon tell you that he believed any 25 of the information in the articles?</p>	<p>Page 534</p> <p>1 up with a few dozen testimonials. That's about one 2 testimonial for every 10,000 participants. Here is 3 the fact: in my biography it states as part of my 4 past credentials, 'Built an organization that 5 started with 5 people in his living room and grew to 6 almost 400,000.' It is true that I trained almost 7 400,000 in my past company (Consumers' Buyline.) 8 This is because I created the training program, I 9 made the training videos, etc. This has nothing to 10 do with NXIVM. NXIVM Corporation has trained about 11 3700 people. This untrue statement just serves to 12 discredit us and make us look bad." 13 Did I read that correctly? 14 A. I believe so. 15 Q. Okay. Would you agree that the quote that 16 you repeat in Paragraph 44 doesn't disclose any 17 NXIVM trade secrets? 18 A. I'm sorry. Let me switch glasses so I could 19 read it specifically. 20 I would say that that statement again is 21 possibly a window that could be used in for trade 22 secrets, but I don't see that as disclosing any 23 trade secret because in itself I don't think it 24 comes directly from the manual. I think he is 25 claiming to have read the manual and studied us and</p>

Page 535

1 giving insight based on seeing the stolen materials
2 or the trade secret materials. It appears he's
3 trying to give his readers insight to potentially
4 the trade secret information.

5 Q. Well, the specific quote addresses the claim
6 of 400,000 individuals and attempts to debunk that
7 by saying that there were only a few.

8 None of that is a trade secret, is it?

9 A. Not that I see in itself.

10 Q. Okay. So if it's damaging, it's because it's
11 false?
12 A. It also can be damaging because we need to
13 publish material to counter it if it is in some ways
14 deflecting business. It also could be damaging
15 because -- and I don't -- I cannot second guess how
16 people would reverse engineer or solve problems, but
17 for all I know, something in there could be used to
18 reverse engineer.

19 Q. Well, look at the quote, Mr. Raniere, and
20 tell me what in the quote could be used to
21 re-engineer, to reverse engineer anything.

22 A. I can't tell you that. If I were to use this
23 quote to reverse engineer -- and I thought about it
24 for a long time -- I don't know if I would find
25 anything. I do not see anything apparently that

Page 536

1 could be used to reverse engineer.

2 Q. Okay. In Paragraph 44(f) you say,
3 "Pre-emptive neutralization of criticism of the
4 group by participants and their family/friends early
5 on: What the group calls 'shifter strategies' is
6 given much attention in the Intensive. It is
7 clearly taught that these represent undesirable
8 behaviors that should be met with disapproval by
9 other group members. The end result is that if a
10 participant criticizes things that the group does,
11 he is a 'suppressive.' Again, Hochman is attempting
12 to prove we are an authoritarian container cult.
13 Firstly, we teach most if not all people have
14 suppressive tendencies - both people who have taken
15 our course and not. It is natural. Secondly,
16 suppression has nothing to do with rational
17 criticism. It is an act of destruction based on
18 hate. Thirdly, we believe it is dishonorable to
19 call someone a 'suppressive.' This paragraph goes
20 against the fabric of conduct in our organization."

21 Did I read that correctly?

22 A. I believe so.

23 Q. So since you are disputing Hochman's
24 observations and believe that it goes against the
25 fabric of conduct in NXIVM, would you agree that

Page 537

1 this quote doesn't disclose any genuine NXIVM trade
2 secrets?
3 A. I can't say that it can't be used as a
4 window. I do not -- I see where it uses the term
5 "shifter strategies." That's something that is
6 unique to us and important and self-descriptive.
7 Someone who understands game theory even from that
8 may be able to derive some of what we're talking
9 about. This I think is more revealing than the last
10 paragraph we spoke of.

11 Q. In what way is the phrase "shifter
12 strategies" self-descriptive?

13 A. I'll give you a basic example of a -- a
14 shifter strategy is someone who is shifting value in
15 order to steal it. When they are winning, they are
16 not cheating; and when they are cheating, they are
17 not winning.

18 There are many examples of a shifter
19 strategy. For example, I can say -- I can go on the
20 news and say, you know, it's -- it's not that John
21 was accused of killing 10 people. I don't believe
22 that report at all. You can look it up and see that
23 it's public data, but I don't believe it whatsoever,
24 and I'm certainly not going to say that. In a
25 sense, I am.

Page 538

1 Q. But none of that is contained within the
2 quote, is it?

3 A. I think that someone who certainly
4 understands game theories and strategies could start
5 to think, oh, some of these strategies you could
6 call shifter or shifting. What an interesting name
7 and --

8 Q. But when you say "some of these strategies,"
9 they would have to come up with the strategies. The
10 strategies are not stated in the quote, are they?

11 A. I was talking about the strategies of game
12 theory.

13 Q. NXIVM's shifter strategies --

14 A. Uh-huh.

15 Q. -- are not identified or described at all in
16 that quote, are they?

17 A. Not in completion or not directly, but I
18 think that this affords a window, especially for
19 certain elements of education within the population,
20 to derive things about us and derive things that are
21 confidential and important.

22 Q. Is the foundation of the Rational Inquiry
23 method embodied in the patent application?
24 A. The foundation of the Rational Inquiry method
25 -- I don't know. I wouldn't say the foundation of

Page 539	Page 541
<p>1 the Rational Inquiry method is embodied in the 2 patent application because we're patenting features 3 from the Rational Inquiry method. Some of the 4 things within the Rational Inquiry method may not 5 even be patentable. I don't know. Some of them are 6 -- I don't know if all confidential or trade secret 7 information is necessarily patentable. 8 Q. Is the entirety of the Rational Inquiry 9 method memorialized in any documents? 10 A. I don't think so. 11 Q. Did you prepare any drafts of different 12 versions of the Rational Inquiry method over the 30 13 years that you were developing it? 14 A. I don't believe so. 15 (Document entitled Application for 16 Letters Patent Bates stamped P000000685 through 768 17 was received and marked Defendant's Exhibit 18 Raniere-19 for Identification.) 19 BY MR. SKOLNIK: 20 Q. Mr. Raniere, do you recognize what has been 21 marked as Raniere-19? 22 A. No. I mean, I can ascertain what it is. 23 Q. Have you ascertained what it is? 24 A. I think it's a patent application, but I do 25 notice there's an assignment in here that I signed.</p>	<p>1 the importance of accuracy and precision and 2 completeness in patent applications? 3 A. With respect to patents, I believe so. 4 Q. Okay. Now, you're aware that this 5 application is available on the internet? 6 A. I have heard that there is either the 7 international version or Canadian version or 8 something available, but if it is, it is. 9 Q. Okay. Let me ask you to turn to Page 712 10 which is called "Summary of the Invention." 11 A. Yes. 12 Q. And, again, you reviewed -- you reviewed this 13 application before it was filed? 14 A. I am not positive, especially this version. 15 This may be a version that was submitted for 16 international submission or different countries, and 17 I probably did not review it then. 18 Q. Is it your understanding that the version 19 submitted for other countries was different than the 20 one submitted in the United States? 21 A. I think there are differences, although I'm 22 not positive. 23 Q. Okay. 24 A. This is certainly less information in my 25 understanding than what was submitted to the patent</p>

Page 540	Page 542
<p>1 Other than that, I don't know if I've seen any of 2 this before. 3 Q. Okay. Well, let me represent for the record 4 that it is a copy of the patent application and 5 related materials for the Rational Inquiry method 6 that was produced in this litigation as Document 7 Number P000000685 through P000000768, and let me ask 8 you to turn to the page with the number in the right 9 P000000711. 10 Do you know who drafted this patent 11 application? 12 A. I believe Arlen Olsen, but I'm not positive. 13 Q. Were you involved at all in the drafting and 14 assembling of the application? 15 A. I believe to some degree. 16 Q. Once it was completed, did you review it? 17 A. I know I reviewed parts of it. I'm not sure 18 if I reviewed this whole application, and I believe 19 the original application was far more than this 20 so... 21 Q. Far more than this? 22 A. Yeah. This is -- I think there were a bunch 23 of information that was provided to the patent 24 office as some sort of basis for certain things. 25 Q. Okay. Did you have any understanding about</p>	<p>1 office. 2 Q. So, if anything, the patent office was given 3 more information? 4 A. Uh -- yes, I'm sorry. 5 Q. Let me ask you to just -- well, can you tell 6 me whether or not the section entitled "Summary of 7 the Invention" does, in fact, present a fair and 8 accurate summary of the Rational Inquiry method? 9 A. I would have to read it. I doubt it presents 10 a complete summary of, if you will, the complete 11 method. I suspect it presents a summary of the 12 invention in part derived from the invention and 13 parts of the invention and effects of the invention 14 that we want to patent. 15 Q. Okay, and then at Page 715 there's a section 16 headed "Detailed Description of the Invention." 17 Right? 18 A. Yes. 19 Q. Okay, and is it your understanding that the 20 application was put together to present a fair and 21 precise and detailed description of the Rational 22 Inquiry method? 23 A. I believe the application was put together to 24 have a fair and detailed description of the 25 invention that we want to patent, which was not all</p>

<p style="text-align: right;">Page 543</p> <p>1 of the Rational Inquiry method nor all of the trade 2 secrets.</p> <p>3 Q. Okay. And would you turn to Page 716, and 4 let me ask you to read into the record the text 5 beginning at Line 5 and running through the end of 6 that paragraph.</p> <p>7 A. I don't have a -- P760, 60?</p> <p>8 Q. 716.</p> <p>9 A. Oh, I'm sorry. Beginning at which? I'm sorry.</p> <p>10 Q. At Line 5.</p> <p>11 A. Line 5: "A portion of the disclosure of this 12 patent document contains material which is subject 13 to copyright protection. The copyright owner has no 14 objection to facsimile (or) reproduction by anyone 15 of the patent disclosure as it appears in the Patent 16 and Trademark Office public patent files or records, 17 but otherwise reserves all copyrights." (sic)</p> <p>18 Q. Okay, so --</p> <p>19 A. -- "all copyright rights."</p> <p>20 Q. So you were aware that the Patent and 21 Trademark Office maintains public files and records, 22 is that right?</p> <p>23 A. I've never seen that paragraph before, as far 24 as I know, but I guess they do.</p>	<p style="text-align: right;">Page 545</p> <p>1 Scripting. The purpose of the Rules and Rituals and 2 Scripting module is for students to develop a deep 3 appreciation and understanding of ESP 52. The 4 coaches ask students to think of as many 5 organizations as they can that require their members 6 to wear some sort of garment to meetings or uniform 7 to work. The coaches ask students to name 3 8 professions in which a title is used in addressing 9 the professional. The coaches ask students to think 10 of 3 situations in which certain rituals are used at 11 the start of the activity or meeting. The coaches 12 ask students to name 3 situations where groups begin 13 a meeting or session by reciting a statement."</p> <p>14 Q. Okay. And now would you please turn to Page 15 729 and read for the record the detailed description 16 of ESP 52 module 10.</p> <p>17 A. Oh, is that starting at the top?</p> <p>18 Q. Yes.</p> <p>19 A. "ESP 52 module 10 includes the parasite/ 20 producer concepts module. The purpose of this 21 module is for students to understand and identify 22 parasite and effort strategies, so they can rid 23 themselves of parasite patterns, employ all effort 24 strategies raising capability and self-esteem and to 25 protect against being manipulated or taken advantage</p>
<p style="text-align: right;">Page 544</p> <p>1 Q. Okay, and are you aware that anyone might be 2 able to arrange for a facsimile or reproduction of 3 the patent disclosure?</p> <p>4 A. It is my understanding that because this 5 patent originally was filed before -- it's either 6 some date in 1999 or 2000 -- it remained what was 7 considered submerged and not public information up 8 until a certain point. So when this was filed, if 9 this is the original application, it was my 10 understanding that it was not going to be published.</p> <p>11 Q. Well, I'm not talking now about publication. I'm talking about --</p> <p>12 A. Or available.</p> <p>13 Q. -- facsimile or reproduction.</p> <p>14 A. Right.</p> <p>15 Q. So, in other words, the statement in Lines 5 16 through 11 that you just read comes as news to you?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And now if you'd turn to Page 719 and 18 read for the record the paragraph beginning at 19 Line 3.</p> <p>20 A. 3. "ESP 52 module 1 includes a Rules and 21 Rituals and Scripting module. The Rules and Rituals 22 and Scripting module includes handshaking, Rules and 23 Rituals, an introduction to the basic modules 64 and</p>	<p style="text-align: right;">Page 546</p> <p>1 of by others. The coaches lead the students to 2 learn about the parasites. Parasite strategies keep 3 people dependent on others and lower self-esteem. 4 Effort strategies create independence and raise 5 self-esteem. The parasite is dependent on the 6 world. Parasites are nice when the chips are down 7 or when life is hard" on them -- "hard for them. 8 When things are good, they don't need anything they 9 have a tendency to change, they can become mean, 10 abusive or self-destructive. A producer's internal 11 state is separate and distinct from conditions in 12 the outside world, therefore they remain the same 13 whether life is easy or difficult with regard to how 14 they treat others. The term parasite is not a value 15 judgment. A positive meaning of manipulation is to 16 move by hand in a skillful manner, to manage or 17 utilize skillfully. A negative meaning of 18 manipulation is to control or play upon by artful, 19 unfair or insidious means so as to serve" -- hold on 20 -- "one's own advantage. In this definition there 21 is covert intention to move someone in an underhanded fashion."</p> <p>22 Q. Okay. Would you agree that the descriptions 23 that you just read are intended to be clear and to 24 provide the reader with the information necessary to</p>

Page 547	Page 549
<p>1 understand the invention?</p> <p>2 A. I think they are written to be clear enough</p> <p>3 so that the invention could be patented, yes.</p> <p>4 Q. And to provide the reader with the</p> <p>5 information necessary to understand the invention?</p> <p>6 A. I don't -- if the reader is assumed to be a</p> <p>7 patent examiner, yes. I don't know if this was</p> <p>8 written in such a way that the public should</p> <p>9 necessarily be able to read it. I don't know what</p> <p>10 the law is on that. I didn't write this.</p> <p>11 Q. Okay. And the invention we're talking about</p> <p>12 is the Rational Inquiry method, isn't it?</p> <p>13 A. The invention that we're talking about is</p> <p>14 aspects and effects from the Rational Inquiry method</p> <p>15 but not the whole Rational Inquiry method.</p> <p>16 Q. Right. But, again, if you -- if you look at</p> <p>17 Page 711, the invention is called the Rational</p> <p>18 Inquiry method; isn't it?</p> <p>19 A. Hold on. It says Rational Inquiry method on</p> <p>20 top, yes.</p> <p>21 Q. Okay and --</p> <p>22 A. I don't know if that means the invention is</p> <p>23 called that, by the way. It's the title on the top</p> <p>24 of the page.</p> <p>25 Q. All right. You don't know whether or not</p>	<p>1 was public.</p> <p>2 THE VIDEOGRAPHER: Excuse me. We have</p> <p>3 to change tapes.</p> <p>4 (At this point, there was a short</p> <p>5 recess.)</p> <p>6 THE VIDEOGRAPHER: This is the beginning</p> <p>7 of Tape Number 4. We're on.</p> <p>8 BY MR. SKOLNIK:</p> <p>9 Q. Mr. Raniere, which do you believe gives a</p> <p>10 more complete and accurate insight into the Rational</p> <p>11 Inquiry method and NXIVM's modules, the Martin</p> <p>12 Hochman articles or NXIVM's patent application?</p> <p>13 A. I think they're both different, and I think</p> <p>14 the patent application is something that we chose to</p> <p>15 pursue with our property. The Hochman report is</p> <p>16 not. I think the Hochman report seeks to disclose</p> <p>17 possibly as much as it can or the heart. I think</p> <p>18 the patent application seeks to disclose what we're</p> <p>19 looking to patent as an invention and protect. My</p> <p>20 understanding is that the patent application</p> <p>21 discloses to protect, so I think it's apples to</p> <p>22 oranges. I don't know which discloses more about</p> <p>23 the stuff that we want to protect as private. I</p> <p>24 think this is stuff that we don't want to protect as</p> <p>25 private so much.</p>

Page 551

1 A. For me because the patent applications are
2 crafted to protect certain things and not disclose
3 others, and it's geared to protect. It's geared to
4 uphold. It's geared for a purpose of positive
5 protection.

6 The Hochman articles and the Martin articles
7 were geared to disclose, were geared to disparage,
8 let's say were not -- I doubt it is Hochman's or
9 Martin's mindset to say, I want to positively
10 protect all of NXIVM's material, since they had
11 materials inappropriately.

12 Q. I'm not asking you about the intent or what
13 the different pieces were geared to. I'm asking you
14 whether or not more windows into NXIVM's trade
15 secrets are revealed in the patent application than
in the Martin and Hochman articles.

16 A. I understand. And what I'm saying is with a
17 patent application you are specifically trying not
18 to provide windows. You're trying to protect
19 something. The way this is worded, the way what
20 you're calling the windows are presented to me seem
21 less so. In the Hochman and Martin articles, they
22 have a manual. They're quoting orders of concepts
23 and words and page references.
24 In here, I don't see the orders being quoted

Page 553

1 facilitator notes which were very confidential and
2 he -- if what I read was correct -- duplicated those
3 things exactly. None of that is at all in the
4 purview of this patent application. These are only
5 the 21 modules of the students; not the coaching
6 notes, not the facilitator notes, not any of those
7 things. And it's being used for a specific purpose
8 of quantifying certain inventions.

9 Q. Do you have an office at NXIVM headquarters?
10 A. No.

11 Q. From 2003 to the present, have you held any
12 position at all with NXIVM?

13 A. Other than the titular position of Vanguard,
14 no.

15 Q. Right. What about First Principles or ESP?

16 A. No.

17 Q. And is that true also of the period prior to
18 2003?

19 A. Yes.

20 THE WITNESS: Are we done with the
21 patent application or the deposition -- or the
22 Affidavit?

23 MR. SKOLNIK: Well, keep them at hand.

24 THE WITNESS: I'll just put them here.

25 (Confidentiality Agreement Effective

Page 552

1 the same way at all, and in the description of the
2 invention it looks like care has been taken not to
3 do that.

4 Q. Didn't you just read descriptions of modules
5 that went point by point about the way the module is
6 organized?

7 A. No. It said content of what was in the
8 modules to some degree. I don't even know if that
9 was the specific order. I -- well, I don't know.
10 It might be the specific order. I don't think so.

11 Q. Okay.

12 A. The order was not important for this
13 application.

14 Q. Isn't it a fact, Mr. Raniere, that someone
15 who is sufficiently intelligent and motivated and
16 who wants to compete with NXIVM or duplicate its
17 training would be able to do that far more easily
18 and quickly by studying the entire RIM patent
19 application that NXIVM has placed on the internet
20 and the entire modules that NXIVM has made available
21 at the copyright office and through its online court
22 records than through the excerpts contained in the
23 Martin and Hochman articles?

24 A. I don't agree with that because especially in
25 the Martin articles there were excerpts from the

Page 554

1 5/13/06 Bates stamped Confidential SP1013 through
2 2030 was received and marked Defendant's Exhibit
3 Raniere-20 for Identification.)

4 BY MR. SKOLNIK:

5 Q. Mr. Raniere, can you identify what has been
6 marked as Raniere ---

7 THE REPORTER: 20.

8 Q. -- 20?

9 A. It appears to be a Confidentiality Agreement
10 for Michael Sutton.

11 Q. And it's dated effective May 13, 2006; is
12 that right?

13 A. Yes. That's what it says.

14 Q. And it lists the parties entering into the
15 Confidentiality Agreement.

16 Do you notice that NXIVM is not listed?

17 A. Where? In the beginning?

18 Q. In the beginning.

19 A. (Witness reads to himself.)

20 I don't know what the legality is with
21 respect to Executive Success Programs, Inc., if that
22 represents NXIVM or not and I don't know -- well, it
23 lists First Principles, Inc., Executive Success
24 Programs, Inc., Nancy Salzman with residence, Keith
25 Raniere with residence or principal place of

<p style="text-align: right;">Page 555</p> <p>1 business. 2 Q. Okay. Now, this agreement was executed in 3 2006. Why are you listed on the agreement? 4 A. Because I think I've been on the agreement 5 all along and because I created the intellectual 6 property I think the attorneys felt it was important 7 that I be on there. 8 Q. Are you on current agreements? 9 A. I don't know. 10 Q. Did you know that Joseph O'Hara was not 11 licensed in New York when he was hired by NXIVM? 12 A. No. 13 Q. Were you involved in the decision to hire 14 Joe O'Hara? 15 A. To some degree, I voiced opinion. 16 Q. What was your involvement in that decision? 17 A. My understand -- well, I had met Joe O'Hara. 18 He seemed to be a person that was a lawyer and also 19 a business person and could be a lead in-house 20 corporate counsel of sorts and could provide very 21 valuable information on law and business to Nancy 22 and Executive Success Programs, NXIVM. 23 MR. SKOLNIK: Okay. I think this is a 24 good time to take a short break. 25 MR. CAMPION: Sure.</p>	<p style="text-align: right;">Page 557</p> <p>1 Memorandum to Kathy Russell Bates 2 stamped SP0429 was received and marked Defendant's 3 Exhibit Raniere-26 for Identification. 4 April 8, 2004, Memorandum Bates stamped 5 SP0432 was received and marked Defendant's Exhibit 6 Raniere-27 for Identification. 7 Confidential and Legal Product 8 Memorandum to Kathy Russell from Joseph J. O'Hara 9 Bates stamped SP0518 was received and marked 10 Defendant's Exhibit Raniere-28 for Identification.) 11 THE VIDEOGRAPHER: We're back on the 12 record at 2:34. 13 BY MR. SKOLNIK: 14 Q. Mr. Raniere, do you have Exhibits Raniere-21 15 through 28 in front of you? 16 A. No, I do not. 17 (A discussion was held off the record. 18 At this point, there was a short 19 recess.) 20 THE VIDEOGRAPHER: We're back on the 21 record at 2:43. 22 BY MR. SKOLNIK: 23 Q. Mr. Raniere, as I mentioned before we took 24 our break, I'm showing you now several documents, 25 and what I'm going to do is I'm just going to</p>
<p style="text-align: right;">Page 556</p> <p>1 MR. SKOLNIK: But let me say that when 2 we come back from the break I will have asked the 3 reporter to mark several documents, and for each of 4 those documents, I'm going to ask you to identify 5 the document if you can and to tell us if you 6 received it. 7 THE WITNESS: Okay. 8 THE VIDEOGRAPHER: We're off. 9 (At this point, there was a short 10 recess.) 11 (May 10, 2004, Memorandum Bates stamped 12 SP1163 through 1165 was received and marked 13 Defendant's Exhibit Raniere-21 for Identification. 14 Note to Keith with attachments Bates 15 stamped SP0903 through 0907 was received and marked 16 Defendant's Exhibit Raniere-22 for Identification. 17 1/26/05 e-mail Bates stamped SP0480 was 18 received and marked Defendant's Exhibit Raniere-23 19 for Identification. 20 8/7/04 e-mail Bates stamped SP1284 was 21 received and marked Defendant's Exhibit Raniere-24 22 for Identification. 23 11/28/04 e-mail Bates stamped SP1814 was 24 received and marked Defendant's Exhibit Raniere-25 25 for Identification.)</p>	<p style="text-align: right;">Page 558</p> <p>1 identify the document; and my only question for 2 you is to tell us whether or not you received the 3 document. 4 Raniere-21 is a memo dated May 10, 2004, from 5 Joe O'Hara to you and Nancy Salzman about Proposed 6 New Financial Arrangements Between NXIVM and The 7 O'Hara Group. 8 A. Okay. I don't know if I received this. 9 Q. When Joe O'Hara sent things to you, did you 10 generally receive them? 11 MR. CAMPION: Object to the form of that 12 question. 13 MR. McGuIRE: Object to the form of the 14 question. 15 MR. CAMPION: You can answer. 16 A. I have no idea. If I didn't receive them, I 17 wouldn't know I didn't receive them. I did not 18 receive many documents from Joe O'Hara. 19 Q. Okay. Do you have any reason to believe that 20 you did not receive this document? 21 A. This document, I have to understand what it 22 is. 23 I did see a document relating to finances at 24 one point. I do not trust any documents from Joe 25 O'Hara, so I don't know if this is the document I</p>

Page 559

Page 561

1 saw. The subject matter seems somewhat familiar.
2 Q. Okay. How about Raniere-22, which is an
3 undated draft agreement addressed to "Keith"
4 attaching a strategic plan, a proposed strategic
5 plan for NXIVM?

6 A. Undated? On the top it says, "As of
7 September 22, 2003"?

8 Q. Right.

9 A. I don't know if I received this either. Some
10 of the subject matter looks familiar, in particular,
11 I don't know who boxed in "Riker/Danzig." It was
12 something that Joe had told me at one point, that
13 Riker Danzig was an important firm in New Jersey and
14 that we should continue to consider hiring them, so
15 that was not available.

16 Q. You don't recognize the document as something
17 that you received, is that right?

18 A. No, I don't. I may have received it.

19 Q. You may have received it?

20 A. Yeah.

21 Q. Okay. What about Raniere-23, which is a
22 January 26, 2005, e-mail? The subject is Re:
23 Sitrick, and it's addressed to an e-mail address
24 Sage11 with copies to kunterre@nycap.rr.com, Nancy
25 Salzman and Kristin Keeffe, and it concerns a

1 fully-executed letter agreement with Toga and NXIVM.
2 MR. McGuire: Peter, would you have an
3 extra copy of that? I don't have a copy of 23.

4 MR. SKOLNIK: I don't, Bill.

5 A. I don't recall receiving this, and if I had
6 received it, I probably wouldn't have read it.

7 Q. Why do you say you probably wouldn't have
8 read it?

9 A. If it's sent to the kunterre@nycap.rr.com,
10 that is an e-mail that I have shared with others.
11 This letter is addressed to Kathy. So if I had
12 received something and I saw it was addressed to
13 Kathy, I wouldn't read it.

14 Q. And who do you understand Kathy to be?

15 A. I suspect it's Kathy Russell because her
16 e-mail address is Sage11.

17 Q. Okay. What about Raniere-24, which is an
18 e-mail dated August 7, 2004? The subject is
19 "Confidential Material," and this is from the e-mail
20 address kunterre to Joe O'Hara, and it is signed
21 "Keith."

22 A. I probably wrote it then. I'm not sure, but
23 if it came truly from kunterre and signed it
24 "Keith," I'm the only Keith at that address so...

25 Q. Okay. Raniere-25, an e-mail dated November

Page 560

Page 562

1 Q. You would not have received an Employment
2 Agreement for Nancy?

3 A. I don't know, but also where would he carbon
4 copy me on this? Did he hand it to me supposedly or
5 e-mail it to me or...

6 Q. Do you remember receiving it, Mr. Raniere?

7 A. No, I don't.

8 Q. Okay. Do you have any reason to believe you
9 didn't receive it?

10 A. Yes.

11 Q. And what is that reason?

12 A. I can't figure out how he would have gotten
13 it to me. It doesn't say he e-mailed it to me so I
14 don't -- I wouldn't have received it otherwise.

15 Q. Did Mr. O'Hara ever mail anything to you?

16 A. No, not that I know of.

17 Q. Did he ever deliver things to you personally?

18 A. I think there was one document that he
19 delivered in a meeting, but it wasn't labeled. It
20 was a thing relating to the land and the change of
21 the financial agreement.

22 Q. Did he ever leave documents for you at NXIVM
23 with the assumption that you would pick them up?

24 A. I doubt that 'cause I wouldn't get them.

25 Q. Did he ever deliver things to you through

<p style="text-align: right;">Page 563</p> <p>1 Nancy Salzman and Kristin Keeffe or someone else? 2 A. I don't think so, no. 3 Q. Okay. Raniere-27, it's a memo dated April 8, 4 2004, from Joe O'Hara to you and Nancy Salzman about 5 Reputation Renewal. 6 A. Okay. I don't think I received this. I 7 don't remember it. 8 Q. It doesn't look familiar to you? 9 A. No, it does not. 10 Q. So you're basically saying that you don't 11 remember receiving any of these documents from 12 Mr. O'Hara? 13 A. Well, yeah, I don't think I remembered any 14 single one of these documents. 15 Q. Okay. And finally, Number 28, Raniere-28, a 16 memo dated October 29, 2004, from Joe O'Hara to 17 Kathy Russell with a BCC at the top of the next page 18 to you and Nancy Salzman, and it concerns NXIVM's 19 corporate registration in Puerto Rico. 20 A. I don't think I received this. 21 Q. It doesn't look familiar? 22 A. No, it does not. 23 Q. Okay. Prior to your being named as a 24 counterclaim defendant, what was the nature of your 25 involvement in this litigation?</p>	<p style="text-align: right;">Page 565</p> <p>1 learned since -- that litigations can go on a very 2 long time and be very expensive. 3 Q. Were you specifically consulted about filing 4 a defamation claim? 5 A. Yes. I did -- I signed an Affidavit relating 6 to that, I believe, and I -- you know, I believe 7 that there were things that were said that were 8 damaging, untrue, so yes. 9 Q. Did you approve the filing of a defamation 10 claim? 11 A. Approve? I don't -- in no legal sense. I 12 was convinced that it was a good idea ultimately by 13 the attorneys. 14 Q. Were you asked whether or not a defamation 15 claim should be asserted? 16 A. I don't believe so. 17 Q. If you had said that a defamation claim 18 should not have been asserted, would it have been? 19 A. It might have been. 20 Q. What about the copyright claim? Were you 21 consulted about filing a copyright claim? 22 A. Yes, I believe I was. 23 Q. And did you approve filing a copyright claim? 24 MR. MCGUIRE: We're not waiving any 25 privilege along these lines either, are we?</p>
<p style="text-align: right;">Page 564</p> <p>1 A. Well, I think I was only superficially 2 involved. There were times when, for example, I met 3 Juval Aviv. I don't know if you consider that being 4 involved. I had met at times some of NXIVM's 5 attorneys when they came up. There were some 6 attorneys I think that sat in a forum I did at one 7 point; and various questions have been brought to me 8 at times, problems, things like that. I think 9 superficially I was involved. 10 Q. Were you involved in any decisions about what 11 claims to assert in this litigation? 12 A. No, I don't believe so. I think I gave input 13 on it but, no, I wasn't directly involved in that 14 decision. 15 Q. So when you say you gave input, who asked you 16 for input and what was the nature of your input? 17 A. Since it is my property, I tend not to be 18 litigious. A lot of times -- the question is if 19 someone does something that either violates a 20 confidentiality agreement or things like that, if 21 you do not pursue it, do you lose rights. So those 22 are the sort of things if the property is to be 23 protected what has to be pursued. Those are the 24 sort of inputs. You know, I want the property 25 protected; but I also see -- and I've obviously</p>	<p style="text-align: right;">Page 566</p> <p>1 MR. SKOLNIK: No. 2 A. When you say "approve," I believe I voiced 3 an opinion with questions, but I don't think what I 4 said is followed or not followed. In fact, I 5 believe at times it isn't followed, what I say. 6 Q. What opinion did you voice? 7 A. Well, the first question I asked was what 8 was the nature of how you evaluate a copyright 9 evaluation -- a copyright claim, and how could it 10 help address the wrongs of what I considered a 11 theft and a misuse of property. 12 Q. Did you discuss what claims would be included 13 in the litigation with anyone other than your 14 attorneys? 15 A. Not that I recall. 16 Q. You didn't have any discussions with 17 Nancy Salzman about claims in the litigation? 18 A. I don't know specifically -- 19 MR. MCGUIRE: Is this with or without 20 the participation of counsel? 21 A. I don't know enough about the claims per se. 22 I did discuss with Nancy that I thought our property 23 had been stolen and that we were being damaged. As 24 far as the specifics of what are in the claims or 25 how that is voiced or framed legally, I don't know</p>

<p style="text-align: right;">Page 567</p> <p>1 that, and often it seems to me that attorneys don't 2 frame the issues as I would see them. 3 Q. In addition to Nancy, did you discuss the 4 filing of these claims with Kristin Keeffe? 5 A. Well, I don't agree that I discussed the 6 claims per se. And, yes, I mentioned and certainly 7 discussed what I felt were certain damaging aspects 8 of what had happened; but I didn't discuss the 9 specifics of the claims, as far as I know. 10 Q. What about with Joe O'Hara? 11 A. Likewise, Joe would give me more advice at 12 times on how things are framed legally compared to 13 how things are as seen by a common person like 14 myself. 15 Q. Did you specifically -- were you specifically 16 consulted about the filing of the trade secret 17 claim? 18 A. I discovered I believe looking through a 19 book at one point that there was an advertisement or 20 something to do with Tabi Kahler. I'm not sure if I 21 was the person who discovered that Stephanie Franco 22 was involved with Tabi Kahler, but I think I was 23 involved in that. 24 Q. Involved in what? 25 A. The discovery that Stephanie Franco was</p>	<p style="text-align: right;">Page 569</p> <p>1 concerned. 2 Q. So much for legal advice. 3 Did you make any decisions for NXIVM 4 regarding this litigation? 5 A. Did I make any final decisions, no. I don't 6 believe I have the authority to. 7 Q. So other than counsel, who made those 8 decisions? 9 A. I have no idea. I think counsel made the 10 decisions. 11 Q. Well, counsel was working for a client. Who 12 spoke for the client? 13 A. Then I guess Nancy would. 14 Q. Do you view your individual interests as 15 aligned with NXIVM's interests in the litigation? 16 A. As far as I know, yes. 17 Q. Because throughout your August 23 Affidavit 18 that we've looked at you frequently refer to 19 yourself and NXIVM as "we" and "us," isn't that so? 20 A. Uh-huh, yes. 21 Q. Why do you use the term "we" or "us" if you 22 are not affiliated with NXIVM and are not involved 23 in supervising the litigation? 24 A. Because they used my property, and it's my 25 property or it's my invention.</p>
<p style="text-align: right;">Page 568</p> <p>1 involved with Tabi Kahler. At one point, I also saw 2 -- I was shown a website, I believe it was by 3 Kristin Keeffe, where Stephanie Franco was listed 4 as a master trainer on a Tabi Kahler website which I 5 was surprised and felt that that was inappropriate, 6 and I voiced that opinion to her. 7 Q. And what did your discoveries with respect to 8 Tabi Kahler and Stephanie Franco have to do with the 9 decision to file a trade secret claim? 10 A. I don't know exactly. I don't know when the 11 trade secret claim was filed, and I don't know much 12 about the trade secret claim per se. 13 Q. You were not consulted about filing a trade 14 secret claim, is that right? 15 A. I don't -- I don't believe so. 16 Q. Were you consulted about transferring the 17 case from New York to New Jersey? 18 A. Yes. 19 Q. Who consulted you? 20 A. I think one of the lawyers from Nolan & 21 Heller and Joe O'Hara. I was assured I would never 22 have to come to New Jersey; and I was assured since 23 I had no business, no dealings with Jersey for many, 24 many years, that what is happening would not happen. 25 So I said it didn't matter, as far as I was</p>	<p style="text-align: right;">Page 570</p> <p>1 Q. So why are you not named as a plaintiff? 2 MR. McGuire: It calls for a legal 3 conclusion, doesn't it? 4 Q. Well, let me ask you your opinion. 5 A. I guess they felt it wasn't -- I wasn't as 6 directly involved. Since I derive no income from 7 NXIVM, there is no direct damages measurable to me 8 personally, from what I understand, and I prefer to 9 stay out of litigations to a degree. I did not 10 completely agree with going into a large litigation. 11 Q. Was it your decision not to be a plaintiff? 12 A. Well, in some aspects, it was. If I was 13 asked to be a plaintiff, I probably would have said 14 no, but I don't even believe I was asked. 15 Q. The e-mail address kunterre@nycap.rr.com -- 16 A. Yes. 17 Q. -- who else uses that address? 18 A. Karen Unterreiner. 19 Q. And who is Karen Unterreiner? 20 A. She's a long-time friend of mine and business 21 associate. 22 Q. What, if any, is her position at NXIVM? 23 A. I don't know. I believe she's a trainer; and 24 I think she does work within the finance department 25 and computer department, although I'm not sure.</p>

1 Q. When an e-mail is received at the kunterre 2 e-mail address, who reads it? 3 A. Well, Karen might read it. I might read it. 4 I'm not sure if anyone else in general would have 5 read it. That's mainly Karen's account which is 6 derived from her name, and that would be pretty much 7 it; either myself or Karen. 8 Q. If an e-mail comes to that address that on 9 its face is clearly for your attention rather than 10 hers, will she let you know that the e-mail has 11 arrived? 12 A. I often -- 13 MR. McGuire: Object to the form of that 14 question, but go ahead. 15 A. I often don't read e-mails at that account. 16 That account gets lots of spam and other things like 17 that so... 18 Q. To your knowledge, does Karen delete e-mails 19 that come to that account that are addressed to you? 20 A. I don't think so. 21 Q. What role did you play in decisions about 22 who would represent NXIVM on your appeal to the 23 United States Supreme Court in this case? 24 A. Well, I told Kristin and Joe. And Joe also 25 had advised me that we should get an attorney or a	Page 571 1 to think if I saw anything in writing relating to 2 the Supreme Court. I don't recall. 3 Q. Do you remember receiving any e-mails 4 concerning the Second Circuit's copyright decision 5 in this case? 6 A. No, not off the top of my head. 7 Q. Do you remember any discussions or meetings 8 with Joe O'Hara about that decision? 9 A. It was discussed on a few different 10 occasions. 11 Q. Do you recall having a strategy session with 12 Joe O'Hara to discuss how to proceed with the trade 13 secret claims? 14 A. No. Although I well may have strategized 15 with Joe O'Hara relating to various legal issues, I 16 don't specifically recall trade secret. 17 Q. Did you review the various briefs that NXIVM 18 filed with the Second Circuit and the Supreme Court? 19 A. I've seen copies of some of them, but I think 20 it might have even been after the fact. I've seen 21 copies of certain legal documents. There was one 22 point where I think they wanted to get my thinking 23 on a certain document, but I don't believe the 24 document ever made it to me. 25 Q. Did you review any of the briefs filed with
Page 572 1 firm that had a lot of experience representing, 2 petitioning or whatever it is to the Supreme Court; 3 and I believe Joe found that firm, and I think he 4 had a -- I saw on a website once the attorney who is 5 doing it had a very strong record. I don't remember 6 exactly what it was, but X number of times in front 7 of the Supreme Court and that sort of a thing. 8 Q. Did you meet with Joe O'Hara about the appeal 9 to the Supreme Court? 10 A. Did I meet with him? I had spoken with him 11 about it and about aspects of it. I don't know if I 12 met with him specifically about it. 13 Q. Do you recall any meetings with Joe O'Hara 14 and Nancy Salzman to discuss finalized plans for the 15 appeal to the Supreme Court? 16 A. Finalized plans, I mean, I imagine that Joe, 17 Nancy and myself conversed about the appeal to the 18 Supreme Court. I do remember that they had to 19 decide to either petition the Second Circuit for an 20 en banc I think it's called appeal or go up to the 21 Supreme Court so there were conversations about 22 that, yes. 23 Q. Do you recall receiving any e-mails 24 concerning the appeal to the Supreme Court? 25 A. I don't recall receiving e-mails. I'm trying	Page 572 1 the Second Circuit or the Supreme Court before they 2 were filed? 3 A. I don't know. 4 Q. You don't know? 5 A. I don't know. 6 Q. When did you meet Kristin Keeffe? 7 A. 1990. 8 Q. How did you meet her? 9 A. In a corporation that I created and I was the 10 primary shareholder and CEO, she was recruited as a 11 sales rep. 12 Q. What is her role at NXIVM? 13 A. My understanding is she's -- she handles 14 legal information. She's sort of a liaison to get 15 like paperwork information together. I think she 16 may have all the filing, also, of all the legal 17 documents and motions, like that. 18 Q. Who would you say at NXIVM is in charge of 19 the litigation? 20 A. Probably Nancy. Kristin is like -- she 21 handles all the information from what I understand 22 of the legal things. 23 Q. Who decided that Kristin would be the person 24 to handle all of the information about the 25 litigation?

Page 575

Page 577

1 **A. I don't know. Maybe it was Joe. I'm not**
2 **sure.**

3 Q. Did you ever tutor Kristin Keeffe about how
4 to research legal issues for the litigation?

5 **A. I wouldn't say I tutored her on how to**
6 **research legal issues. I tutored her in critical**
7 **thinking.**

8 Q. You didn't give her any specific instructions
9 about how to research legal issues?

10 **A. I think she knows better than I do.**

11 Q. Now, you told us last time that you never
12 discussed with anyone the propriety of NXIVM
13 arranging to interview Rick Ross through Interfor
14 while a lawsuit against him was pending.

15 Do you recall that testimony?

16 **A. Not specifically. Do you have it so I could**
17 **read it, the testimony?**

18 Q. Let me just show you Page 360.

19 **MR. LEONARD:** 360?

20 **MR. SKOLNIK:** 360.

21 **A. Okay. Starting at the top?**

22 Q. Well, it's really in the middle of the page,
23 but read as much of the page as you need.

24 **A. Okay. I see where the testimony is. I'm not**
25 **sure I understand it but --**

1 Q. Well, I'm just asking you to confirm that
2 your testimony was that you never discussed with
3 anyone the propriety of --

4 **A. I don't believe I did.**

5 Q. Okay. Let me just finish my question so the
6 record is clear.

7 You never discussed with anyone the propriety
8 of NXIVM arranging to interview Rick Ross through
9 Interfor while a lawsuit was pending?

10 **A. Correct, because I -- I'm not sure I was**
11 **aware that that was going on like that. Yes, I**
12 **believe that is true.**

13 Q. Okay.

14 **MR. McGuire:** Let the record show I
15 object to the form of that question belatedly.

16 Q. Whether or not you discussed it with anyone,
17 did you in your own mind question the ethics of
18 conducting those interviews?

19 **A. No. It was always my assumption because**
20 **there were so many attorneys involved on not only**
21 **with Joe O'Hara and Nolan & Heller, but Juval had**
22 **attorneys in his office and things like that, that**
23 **they knew what they were doing. I mean, that's a**
24 **general belief I have of them.**

25 Q. Let me ask you to turn to the Exhibit that

1 was marked last time as Raniere-16.
2 (A discussion was held off the record.)

3 **BY MR. SKOLNIK:**

4 Q. And Exhibit 16, for the record, is Keith
5 Raniere's Responses to Defendant Rick Ross' First
6 Amended Set of Interrogatories to NXIVM Corporation.
7 And would you just turn to Page 13 and confirm for
8 us again that that's your signature.

9 **A. Yes.**

10 Q. Now, the actual responses begin on Page 5.
11 The first response is on Page 6. And Interrogatory
12 Number 1 concerns, among other things,
13 communications with Interfor regarding Rick Ross;
14 and in your response, the second paragraph, you say,
15 "Mr. Raniere states that he never spoke to
16 Interfor."

17 **A. Hold on. Where is that?**

18 Q. The second sentence or the last clause of the
19 second paragraph in your response on Page 6.

20 **A. "Mr. Raniere states that he never spoke to**
21 **Interfor."**

22 **Yes, I did speak to Juval Aviv.**

23 Q. Okay. So when you said, "Mr. Raniere states
24 that he never spoke to Interfor," were you not
25 including Juval Aviv?

1 Page 576

Page 578

2 Q. Well, I'm just asking you to confirm that
3 your testimony was that you never discussed with
4 anyone the propriety of --

5 **A. I don't believe I did.**

6 Q. Okay. Let me just finish my question so the
7 record is clear.

8 You never discussed with anyone the propriety
9 of NXIVM arranging to interview Rick Ross through
10 Interfor while a lawsuit was pending?

11 **A. Correct, because I -- I'm not sure I was**
12 **aware that that was going on like that. Yes, I**
13 **believe that is true.**

14 Q. Okay.

15 **MR. McGuire:** Let the record show I
16 object to the form of that question belatedly.

17 Q. Whether or not you discussed it with anyone,
18 did you in your own mind question the ethics of
19 conducting those interviews?

20 **A. No. It was always my assumption because**
21 **there were so many attorneys involved on not only**
22 **with Joe O'Hara and Nolan & Heller, but Juval had**
23 **attorneys in his office and things like that, that**
24 **they knew what they were doing. I mean, that's a**
25 **general belief I have of them.**

Q. Let me ask you to turn to the Exhibit that

1 **A. I met him socially, so I did not think of**
2 **that as corporate or anything to do with this.**

3 Q. When you met him socially, did you discuss
4 the work that Interfor was doing for NXIVM?

5 **A. Not really. He told me a lot about himself,**
6 **and we didn't discuss specifically what Interfor was**
7 **doing.**

8 Q. Did you discuss generally what Interfor was
9 doing?

10 **A. No, not that I remember. It was a social**
11 **occasion, and he was telling me about his past and**
12 **the sort of things he did.**

13 Q. Did you ask or advise anyone else to speak to
14 Interfor?

15 **MR. McGuire:** Could I have that read
16 back, please? I'm sorry.

17 (The following was read back by the
18 reporter:

19 "Did you ask or advise anyone else to
20 speak to Interfor?"

21 **A. I don't believe so.**

22 Q. Did you provide any advice or instructions
23 about what Interfor should investigate concerning
24 Rick Ross or how they should go about it?

25 **A. No, I don't believe so.**

Page 579	Page 581
<p>1 Q. When you say you don't believe so, is there 2 some uncertainty in your mind about whether you had 3 such discussions?</p> <p>4 A. I don't remember offhand all of my 5 discussions. I don't remember any such discussion. 6 I don't have reason to believe I would have had such 7 a discussion. Numerous problems and concerns are 8 brought to me over time which I speak about, but I 9 don't recall any of them dealing with Interfor.</p> <p>10 Q. Did you ask or advise anyone to send any 11 communications to Interfor?</p> <p>12 A. I doubt it. I don't think so.</p> <p>13 Q. Were you copied, including BCC'ed, on any 14 communications with Interfor?</p> <p>15 A. Not that I know of.</p> <p>16 Q. Did you discuss the Interfor investigation of 17 Ross with Joe O'Hara?</p> <p>18 A. I'm not sure. I discussed a number of things 19 with respect to Ross over time with Joe O'Hara. 20 Joe O'Hara had a lot of things that he felt should 21 be done. I may have.</p> <p>22 Q. What was the nature of your first discussion 23 with Joe O'Hara about Rick Ross?</p> <p>24 A. I'm not really sure. I'm making a 25 hypothesis. I don't know.</p>	<p>1 representations?</p> <p>2 A. I don't remember specifically. I know at 3 one point he had wanted to either tape record a 4 phone call or phone calls with Rick Ross. I don't 5 know if he was the person that came up with the idea 6 of having some sort of interview with Ross, although 7 he at times voiced far more aggressive strategies 8 that I don't agree with.</p> <p>9 Q. Who was meant to have a phone call -- phone 10 conversation with Rick Ross?</p> <p>11 A. I don't think that was determined.</p> <p>12 Q. The notion of having phone conversations or a 13 meeting with Rick Ross, were these ideas that Joe 14 O'Hara discussed with you before they took place?</p> <p>15 A. I don't know.</p> <p>16 Q. But they might have?</p> <p>17 A. Yes. Certainly Rick -- Joe had said things 18 relating to Rick Ross before there was any sort of 19 engagement with Rick Ross.</p> <p>20 Q. Did Joe O'Hara recommend that a private 21 investigation firm be retained to conduct some 22 investigation of Rick Ross?</p> <p>23 A. I know he spoke of that. I -- he may have 24 been the first one to say that. I don't know if he 25 was the first one to think that, but certainly.</p>

Page 583	Page 585
<p>1 BY MR. SKOLNIK: 2 Q. Mr. Raniere, did you speak to Kristin Keeffe 3 about the Interfor investigation of Rick Ross? 4 A. I think at some times I have, yeah. 5 Q. Did you first discuss that investigation 6 before it commenced? 7 A. I don't believe so. 8 Q. What do you recall as being your first 9 discussion with Kristin Keeffe about what Interfor 10 was doing? 11 A. I'm not sure if it's the first, but I 12 remember hearing that and which affirmed also what 13 was mentioned before, that Juval had a relationship 14 with Ross and that Juval felt that he could get good 15 information and things that would be helpful with 16 Ross saying slanderous things. 17 Q. And you would have heard this from Kristin 18 Keeffe before Juval was retained, isn't that right? 19 MR. McGUIRE: I object to the form of 20 that question. 21 A. I -- I don't think I would have heard that 22 before Juval was retained, no. 23 Q. Okay. There are several documents in the 24 record indicating that Kristin Keeffe had various 25 telephone conversations and meetings with Interfor.</p>	<p>1 Kristin Keeffe said that Juval Aviv felt that 2 Kristin Snyder was likely alive and probably in 3 witness protection. Kristin told me also that 4 Juval Aviv was involved in the astro projection 5 intelligence unit of -- I don't know if it was the 6 United States or Israel or and that some of his data 7 supposedly came from that, which I found to be very 8 disturbing. 9 Those are the things I remember off the top 10 of my head. 11 Q. Did Kristin Keeffe tell you about any of the 12 meetings that she participated in at Interfor's 13 offices with Rick Ross? 14 A. No, not that I know of at all. 15 Q. Did you give Kristin Keeffe any instructions 16 or advice about any aspect of Interfor's 17 investigation of Rick Ross? 18 A. Specifically his investigation of Rick Ross, 19 I don't believe so, but when she was telling me 20 about the comments on the astro projection and also 21 when it appeared she was more of a personal friend 22 of his, I cautioned her that she shouldn't let -- if 23 she has a personal relationship with this man, she 24 shouldn't let her friendship interfere with good 25 judgment; and an investigation firm that's headed by</p>

Page 584	Page 586
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1 Would she report back to you? Did she report
2 back to you after those meetings with Interfor?
3 **A. Not generally.**
4 Q. Do you remember any reports that you received
5 from her about her discussions or meetings with
6 Interfor?
7 **A. I remember that she had taken a long walk**
8 **with Juval Aviv at a monastery; and she was talking**
9 **about Buddhism, I think. The specifics of meetings**
10 **and the specifics of when they were and things like**
11 **that I did not know.**
12 Q. Did she tell you anything about her
13 conversations or meetings with Anna Moody?
14 **MR. MEE:** Objection.
15 **MR. CAMPION:** Answer the question.
16 **A. I don't believe so.**
17 Q. What about with Abby Barrish?
18 **A. Who is Abby Barrish?**
19 Q. That name doesn't ring a bell to you at all?
20 **A. No.**
21 Q. Okay. Do you recall any other conversations
22 you had with Kristin Keeffe about what Interfor was
23 doing?
24 **A. Yes. I recall Kristin saying that Juval Aviv**
25 **had a neighbor who knew Al Damato. I recall that**

1 **someone who claims to be doing astro projection to**
2 **get their information is probably not something**
3 **worth paying for.**
4 Q. In your response to Interrogatory Number 1 in
5 Raniere-16, about halfway through the third
6 paragraph you say, "At some point during the course
7 of this litigation Mr. Raniere became aware of a
8 copy of a written communication from Interfor,
9 entitled 'Status Report' that was the report on the
10 status of an investigation into Rick Ross. "
11 **A. Yes.**
12 Q. "Mr. Raniere does not believe there were any
13 other communications."
14 **A. Communications. Oh, okay.**
15 Q. Okay. How did you become aware of the status
16 report document?
17 **A. Kristin I believe told me that there was a**
18 **document that Juval Aviv gave her that was a bunch**
19 **of information that she thought he downloaded from**
20 **the internet and that she felt it wasn't worth**
21 **anything.**
22 **There is something else. There was an**
23 **article written in Metroland that mentioned**
24 **something about financial information out of the**
25 **status report which surprised me. I think it's this**

<p style="text-align: right;">Page 587</p> <p>1 status report, but it is mentioned within that 2 article. 3 Q. You hadn't heard anything about that from 4 Kristin Keeffe? 5 A. No. 6 Q. What about from Joe O'Hara? 7 A. No. 8 Q. Did you have any conversations at all with 9 Joe O'Hara about the status report? 10 A. I think he might have mentioned that Juval 11 has prepared a report. I didn't have any extensive 12 conversations, no. 13 Q. What do you remember him telling you about 14 the report? 15 A. I don't think he told me much of the content, 16 just that it was a comprehensive informational 17 report. 18 Q. Did you ask him about the contents? 19 A. No. 20 Q. Did you ask him what conclusions anybody 21 could draw from the report? 22 A. Well, I think he thought the report wasn't 23 very good. I mean, I think he expressed the same 24 thing that Kristin did, that it was a very thick 25 report with a bunch of stuff that was downloaded off</p>	<p style="text-align: right;">Page 589</p> <p>1 A. I'm not exactly sure. I do remember hearing 2 that there was a tape or a conversation or something 3 that said that Rick Ross had pictures, a lot of 4 pictures of me even I think they said something like 5 pictures in the shower and that I was having sex 6 with -- pictures of me having sex with students and 7 things like that. 8 Q. Who told you that? 9 A. I believe that was Kristin. 10 Q. And when did she tell you that? 11 A. I don't know. I have since -- because I was 12 deposed in part on the issues and seen some of it, 13 I'm not exactly sure but -- no, I don't know when it 14 was exactly. 15 Q. Did she tell you that shortly after she 16 attended the meeting where those statements were 17 made? 18 MR. McGuire: Object to the form of that 19 question. 20 A. I don't know when that meeting happened. 21 Q. When Kristin Keeffe told you about those 22 comments, was she telling you that she had heard 23 this recently or quite some time ago? 24 A. I don't know. I think -- I couldn't tell. 25 My assumption is it would be pretty recent, though,</p>
<p style="text-align: right;">Page 588</p> <p>1 the internet. 2 Q. Was there any discussion of the fact that 3 the report contained Mr. Ross' financial 4 information? 5 A. No, no. 6 Q. Was there any discussion of the fact that it 7 contained his telephone records? 8 A. No. 9 Q. The statement we just read from your response 10 to Interrogatory 1 says, "Mr. Raniere does not 11 believe there were any other communications." 12 Do you recall receiving any copies of 13 agreements between NXIVM and Interfor? 14 A. I have seen them since or some, but at this 15 period of time I don't believe I had. 16 Q. Was it your idea to have Interfor conduct an 17 in-person meeting with Rick Ross? 18 A. No. 19 Q. Do you know whose idea it was? 20 A. No. 21 Q. Did you propose having Interfor conduct a 22 sting operation? 23 A. No. 24 Q. When did you become aware of the in-person 25 meetings with Rick Ross?</p>	<p style="text-align: right;">Page 590</p> <p>1 I mean I would say certainly within a month. 2 Q. Within a month of the time when she heard it? 3 A. I would assume so, yes. 4 Q. When did you become aware of the proposed 5 sting operation? 6 A. I don't know exactly because Joe O'Hara had 7 been proposing things like that for a long time. I 8 don't know exactly even to date when the sting 9 operation happened. 10 Sorry, I don't know. 11 Q. When Joe O'Hara proposed something like a 12 sting operation, what did you say to him? 13 A. Well, Joe O'Hara had proposed many sort of 14 initiatives from close to the first time I met him. 15 A lot of the times I objected to what Joe O'Hara 16 said with respect to such actions. 17 Q. Did you object to the suggestion of a sting 18 operation? 19 A. I wouldn't call it a sting operation. Joe 20 O'Hara attempting to legitimately get Rick Ross on 21 tape saying false and disparaging things to our 22 students or to people who were potential students, I 23 think that might be something that was fine; and I 24 would have agreed to do that, as long as it was 25 proper.</p>

	Page 591	Page 593
1	<p>Q. Did Joe O'Hara or Kristin Keeffe or anyone else ever propose to you that Rick Ross be approached about deprogramming a fictitious NXIVM student?</p> <p>A. I don't think so.</p> <p>Q. Have you ever heard that that was done?</p> <p>A. Was that done? No, I haven't heard that that was done.</p> <p>Wait. I'm thinking about what I read here. I think I read it in the materials to this case, that there is -- I don't think that was done, though. I think I read that it was never carried out.</p> <p>Q. But anything that you know about that attempt you only learned from reading about it in the materials to this case?</p> <p>A. I believe so.</p> <p>Q. You were never told about that by anyone at the time or within a few months of the time that it took place?</p> <p>A. No, I don't believe so.</p> <p>Q. Were you ever given a copy of the status report that we were discussing a few minutes ago?</p> <p>A. No, I don't believe so.</p> <p>Q. So you've never read it?</p>	<p>A. I don't believe so, no.</p> <p>Q. Did you ask or advise anyone else to send any communications to Sitrick?</p> <p>A. I don't believe so, no.</p> <p>Q. Were you copied, including BCC'ed, on any communications with Sitrick?</p> <p>A. I don't know, not that I received.</p> <p>Q. But you were aware that someone at NXIVM was dealing with Sitrick, is that right?</p> <p>A. Yes, I would say so.</p> <p>Q. When did you become aware of that?</p> <p>A. I'm not really sure. I don't know if it was before they were hired or after they were hired. I'm not sure when.</p> <p>Q. But you became aware at some point while they were retained by NXIVM?</p> <p>A. Uh-huh.</p> <p>Q. And who was it who told you about NXIVM's dealings with Sitrick?</p> <p>A. Um, probably Nancy and/or Kristin.</p> <p>Q. What about Joe O'Hara? Did he discuss that with you?</p> <p>A. Oh, Joe probably discussed it. I don't -- I don't know if -- I guess they were contemporaneous. Joe would have discussed it probably, also.</p>
1	<p>A. That is correct.</p> <p>Q. Let's turn to your response to Interrogatory Number 3, and Interrogatory Number 3 generally addresses communications with Sitrick or about Sitrick. And your response says, "Mr. Raniere states that he never spoke to Sitrick."</p> <p>A. Uh-huh.</p> <p>Q. Did you ask or advise anyone else to speak to Sitrick?</p> <p>A. I had heard that Sitrick was a PR agency and that Sitrick I think is the person who runs it had a close relationship with Forbes and that they could produce a positive article. At some point, I gave responses I think it was to Kristin to a series of questions relating to, you know, what NXIVM tries to do and things like that to presumably be used for PR.</p> <p>Q. Were you consulted about the retention of Sitrick?</p> <p>A. No.</p> <p>Q. Did you have any input into what Sitrick would undertake with respect to Rick Ross?</p> <p>A. No.</p> <p>Q. Did you send any communications, letters or e-mails to Sitrick?</p>	<p>Q. Did you participate in any discussions about how Sitrick should proceed or what Sitrick should do?</p> <p>A. No.</p> <p>Q. Were you aware that someone at Interfor was dealing with Sitrick?</p> <p>A. No.</p> <p>Q. Were you ever told anything about Interfor's dealings with Sitrick?</p> <p>A. No.</p> <p>(A discussion was held off the record.) (12/9/04 e-mail Bates stamped NXR00079 through 80 was received and marked Defendant's Exhibit Raniere-29 for Identification.) BY MR. SKOLNIK:</p> <p>Q. Mr. Raniere, the Exhibit marked Raniere-29 is a -- it contains an e-mail from Kristin Keeffe to Steven Goldberg and Jeff Lloyd. Jeff Lloyd at the top is Lloyd@sitrick.com.</p> <p>So this is an e-mail from Kristin Keeffe to Sitrick?</p> <p>A. Yes.</p> <p>Q. And if you notice in the middle paragraph she says, "Nancy came in from Ireland this morning, and I have spoken to Keith to keep him abreast of the</p>

Page 595	Page 597
<p>1 list of points that need deciding on for you 2 (Sitrick) to move forward."</p> <p>3 A. Okay.</p> <p>4 Q. What points did Kristin Keeffe keep you 5 abreast of?</p> <p>6 A. What I remember is that there were things 7 that I gave Kristin relating to Rational Inquiry, 8 sort of the what we do in ESP and NXIVM. I think 9 there might have even been a list of questions she 10 went through, but I gave that series of responses to 11 her.</p> <p>12 Q. So what decisions had to be made for Sitrick 13 to move forward?</p> <p>14 A. I think -- from my perspective, I don't know 15 of any decisions per se that I made. I do know of 16 information that I gave.</p> <p>17 Q. Do you remember any other conversations with 18 Kristin Keeffe about Sitrick and its work?</p> <p>19 A. Not off the top of my head, no. There was -- 20 I'm sorry. When NXIVM was going to arbitrate with 21 Sitrick, there was the fact -- I had asked about how 22 much was paid and Kristin -- and what was produced 23 for that money, and Kristin told me that there was 24 no work ever produced from Sitrick which I found to 25 be -- I thought we should have won the arbitration</p>	<p>1 A. No, I don't know.</p> <p>2 Q. Do you know if anyone at NXIVM asked Interfor 3 to obtain that information?</p> <p>4 A. No, I don't know.</p> <p>5 Q. Interrogatory Number 5 asks about 6 suggestions, requests and instructions by you, 7 Nancy Salzman or Kristin Keeffe about the 8 acquisition of Ross and Soedarlo's garbage or trash, 9 and your response to Interrogatory Number 5 says 10 only, "Mr. Raniere believes that he made no such 11 suggestions, requests and gave no instructions 12 responsive to this request."</p> <p>13 Why does your response to Interrogatory 14 Number 4 state categorically that you made no such 15 suggestions, requests and gave no instructions 16 responsive to this request; but your response to 17 Interrogatory Number 5 says that you believe that 18 you made no suggestions, requests and gave no 19 instructions responsive to the request?</p> <p>20 A. I don't know. I -- I don't think it -- I 21 don't believe in either case I did.</p> <p>22 Q. You were not prepared then to say 23 categorically that you gave no such instructions?</p> <p>24 A. I think I would say for each of these 25 responses, 5 and 6, that I respond to them equally</p>
Page 596	Page 598
<p>1 then based on that, but we did not.</p> <p>2 Q. Your response -- well, Interrogatory Number 4 3 in Raniere-16 asks about suggestions, requests and 4 instructions by you, Nancy Salzman and Kristin 5 Keeffe about the acquisition of Ross and Soedarlo's 6 banking, financial and telephone records.</p> <p>7 And your response to Interrogatory Number 4 8 says only, "Mr. Raniere made no such suggestions, 9 requests and gave no instructions responsive to this 10 request."</p> <p>11 Do you know if Ross and Soedarlo's banking 12 information and telephone records were obtained?</p> <p>13 A. No, I don't. But gathering from the 14 Metroland article and what you said a little 15 earlier, you represented that there were telephone 16 records. And this is for Interfor? Yeah. No, I 17 gave no such instructions.</p> <p>18 Q. The question asks you about suggestions, 19 requests or instructions by you or by any of the 20 other NXIVM counterclaim defendants, which would be 21 Nancy Salzman and Kristin Keeffe.</p> <p>22 A. Uh-huh.</p> <p>23 Q. Do you know whether or not Nancy Salzman or 24 Kristin Keeffe made any such suggestion, request or 25 instructions?</p>	<p>1 and with equal force.</p> <p>2 Q. So you didn't draw any distinction in your 3 own response, one saying that there were no such 4 and the other saying I believe there were no such?</p> <p>5 A. Correct.</p> <p>6 Q. Do you know whether or not Mr. Ross and 7 Mr. Soedarlo's garbage was, in fact, obtained?</p> <p>8 A. No, I do not know.</p> <p>9 Q. Do you know whether or not anyone at NXIVM 10 asked Interfor to obtain Mr. Ross and Mr. Soedarlo's 11 garbage?</p> <p>12 A. No.</p> <p>13 Q. Did you ever discuss the obtaining of 14 Mr. Ross' garbage with Joe O'Hara?</p> <p>15 A. No, no.</p> <p>16 Q. Interrogatory Number 6 asks about the 17 information that you, Nancy Salzman or Kristin 18 Keeffe wanted to learn by having Interfor conduct 19 in-person meetings and telephone conferences with 20 Ross; and part of your response to Interrogatory 21 Number 6 says, "He personally was not aware of these 22 events at the time they were taking place and 23 therefore cannot, nor does not, believe that any 24 actions or communications concerning Interfor and 25 Ross were made on his behalf."</p>

Page 599	Page 601
<p>1 You say that you were not aware of these 2 events at the time they were taking place. When did 3 you become aware of these events? 4 A. I'm not really sure. I think when this was 5 created, I probably had a clearer understanding of 6 the sequence of events, but sometime after. 7 Q. And who did you learn about the events from? 8 A. I think Kristin. I did hear at some point 9 that Joe had some garbage or something at his 10 office that he wanted picked up, so I don't know if 11 that's -- 12 Q. So you did learn that Interfor had collected 13 Mr. Ross' garbage? 14 A. I don't know if it was Mr. Ross' garbage. 15 Q. Oh. So you think you learned about these 16 events from Kristin Keeffe and with some 17 conversations with Joe O'Hara? 18 A. Potentially. I'm not sure which or how, but 19 yes. 20 Q. What about with Nancy Salzman? Any 21 discussions with her about these events? 22 A. I don't think so. I don't know, but I don't 23 think so. 24 Q. Interrogatory Number 8 asks about the plan 25 and purpose of the sting operation. And in your</p>	<p>1 A. What I'm saying is I don't believe that 2 the information in this lawsuit about the sting 3 operation existed in this lawsuit till after the 4 sting operation. 5 Q. Well, put aside whether it existed in the 6 lawsuit. 7 A. Right, I don't be -- 8 Q. What information did you have about it? 9 A. I don't believe I had anything outside of 10 what I've learned from this lawsuit. 11 Q. So you don't recall any conversations at 12 all with Joe O'Hara about the sting operation? 13 A. No. 14 Q. Or any conversations with Kristin Keeffe 15 about the sting operation? 16 A. I've mentioned what I remember with Kristin 17 Keeffe, but no. At a later point, I had asked her 18 about what was meant when I read the stuff in this 19 lawsuit about a cruise ship. I think Kristin thinks 20 that's absurd, but I don't know. It sounds like a 21 silly thing. 22 Q. Your response to Interrogatory Number 8 also 23 says, "The details of the alleged 'plan' were 24 attended to by others, and Mr. Raniere only learned 25 of them subsequent to Interfor's attempted</p>

<p style="text-align: right;">Page 603</p> <p>1 decided to resign from NXIVM was because he 2 disapproved of the sting operation; isn't that 3 right? 4 MR. CAMPION: Object to the form. 5 MR. McGuire: So do I. 6 A. I think that's not true. 7 Q. Okay. Interrogatory Number 13 asks you to 8 identify all of your e-mail accounts, and in 9 response you say, "Mr. Raniere states that he has 10 partial use of the e-mail address 11 kunterre@nycap.rr.com and honorandethics@yahoo.com. 12 He has had no other accounts from January 2003 to 13 present." 14 Is that a true statement? 15 A. At that time, yes. 16 Q. Is it true today? 17 A. No. 18 Q. What other e-mail accounts do you have today? 19 A. Keithraniere@yahoo.com. I have a Face Book 20 account which can receive e-mails. I can't think of 21 any others. Those are the ones that I've had more 22 contact with. 23 Q. Have you received any e-mail communications 24 relating to this litigation at the 25 Keithraniere@yahoo.com address?</p>	<p style="text-align: right;">Page 605</p> <p>1 Keithraniere@yahoo.com? 2 A. Yes. 3 Q. So from January 2003 to the present if 4 someone wanted to contact you by e-mail, which 5 account would you give them? 6 A. Probably the Keithraniere@yahoo.com. 7 Q. And when did you establish that account? 8 A. It wasn't that long ago, maybe a year ago. 9 Q. When did you establish the or when did 10 Ms. Unterreiner establish the kunterre account? 11 A. I don't -- I don't know. That came with the 12 cable service. That's why it has her name encoded 13 in the front. I don't know when that was 14 established. 15 Q. What about the honorandethics@yahoo.com 16 address? When was that established? 17 A. That was years ago. I don't know exactly 18 when. 19 Q. Do you use your various e-mail addresses for 20 different functions? 21 A. No. 22 Q. Do you back up your e-mails? 23 A. No. 24 Q. Do you save them in folders? 25 A. Sometimes, yes.</p>
<p style="text-align: right;">Page 604</p> <p>1 A. I don't believe so. No, that is not true. I 2 have received communications with -- 3 MR. CAMPION: Mr. Raniere, you're 4 not to answer the question with respect to 5 communications with counsel for these new e-mail 6 addresses, okay. 7 THE WITNESS: Okay. 8 MR. CAMPION: Otherwise, you can answer. 9 Continuing... 10 A. Other than that, not that I know of, no. 11 Q. So only communications with counsel? 12 A. Yes. 13 Q. Okay. 14 A. I believe so, yes. 15 Q. In a November 2004 e-mail from Kristin Keeffe 16 to Interfor she said that she was setting up 17 Hushmail accounts for you and Nancy Salzman. 18 Did she set up a Hushmail account for you? 19 A. Not that I know of. 20 Q. Have you ever had a Hushmail account? 21 A. No. 22 Q. Who else, if anyone, uses the 23 honorandethics@yahoo.com e-mail address? 24 A. I believe I'm the only one that used that. 25 Q. And are you the only one who uses the</p>	<p style="text-align: right;">Page 606</p> <p>1 Q. Do you print them out? 2 A. No. 3 Q. Do you delete e-mails? 4 A. I have on occasion. I don't delete a lot. 5 Q. Did anyone ever advise you to retain 6 documents and e-mails regarding the subject matter 7 of this litigation? 8 A. I don't think so, but I didn't have many 9 e-mails relating to this litigation; and even ones 10 that may have come to the kunterre account I'm 11 either like a copied person or something like that, 12 so I wouldn't look at them. 13 Q. Well, you've been involved in other 14 litigations beside this one; haven't you? 15 A. Yes. 16 Q. And are you aware from those other 17 litigations about the general requirement to retain 18 e-mails and documents related to a litigation? 19 MR. CAMPION: Object to the form of the 20 question. 21 A. No, but I wouldn't say I delete those things. 22 Q. Have you deleted any e-mails related in any 23 way to this litigation since it began? 24 A. I don't believe so. 25 Q. Since our prior session, have you found any</p>

Page 607

1 of the notes that you told us that you took about
2 or on the three Martin and Hochman articles?

3 **A. I don't have any of those things in my
4 possession.**

5 Q. Do you know in whose possession they are?

6 **A. I believe NXIVM has them.**

7 Q. Who at NXIVM has them?

8 **A. I think Nancy Salzman.**

9 **MR. SKOLNIK:** Weren't those called for,
10 Harold, by your letter to Mr. McGuire?

11 **MR. KOFMAN:** They were Item Number 2 in
12 my letter to Mr. Campion.

13 **MR. SKOLNIK:** To Mr. Campion.

14 **MR. KOFMAN:** But they would have been
15 called for by previous document requests to NXIVM.

16 **MR. SKOLNIK:** Absolutely. Well,
17 we'll --

18 **MR. LEONARD:** Mr. Raniere just told you
19 he doesn't have them. He doesn't have them. Mr.
20 Raniere told you he does not have them.

21 **MR. SKOLNIK:** But NXIVM does.

22 **MR. LEONARD:** I can't speak for NXIVM.

23 **MR. SKOLNIK:** Well, bill, given that
24 these were absolutely called for by prior requests,
25 we would request them of NXIVM.

Page 608

1 **MR. McGuIRE:** Would you send me a letter
2 to that effect, please.

3 **MR. SKOLNIK:** Put that on the record.

4 (Request.)

5 **MR. SKOLNIK:** Give me just two minutes
6 to consult with my colleagues here.

7 (At this point, there was a short
8 recess.)

9 **THE VIDEOGRAPHER:** We're back on the
10 record.

11 **MR. SKOLNIK:** Mr. Raniere, I have no
12 further questions for you.

13 Thank you.

14 **THE WITNESS:** Oh. Thank you.

15 **MR. KOFMAN:** Mr. Raniere, I have a few
16 follow-up questions.

17 Can we mark this, please, as Raniere-30.
18 (March 27, 2009, two-page letter to
19 Thomas F. Campion, Jr., Esq. from Harold L. Kofman
20 was received and marked Defendant's Exhibit
21 Raniere-30 for Identification.)

22 **REDIRECT EXAMINATION BY MR. KOFMAN:**

23 Q. Okay. Mr. Raniere, I should just put on the
24 record, if you don't recall from last time, my name

1 is Harold Kofman, I represent the Suttons and
2 Ms. Franco in this matter.

3 The document we've marked as Raniere-30 is a
4 copy of my March 27, 2009, letter to Mr. Campion.

5 Do you have that in front of you?

6 **A. Yes, I do.**

7 Q. In this letter I request 12 categories of
8 documents. This was a follow-up to requests I made
9 on the record at your deposition in March.

10 Did you search for the materials that I
11 requested?

12 **A. Yes.**

13 Q. What did that search entail?

14 **A. Well, what I gave over and -- well, that was**
15 **the product. I looked through my things. I looked**
16 **through what computer stuff I had access to. A lot**
17 **of these documents I don't have in my possession,**
18 **and there was no -- I called Arlen Olsen and asked**
19 **him if there was a written retainer agreement, and**
20 **there is none.**

21 Q. Okay. Did you ask NXIVM if they had any of
22 these documents in their possession?

23 **A. Well, I did ask relating because I was**
24 **curious about the Hochman things; and NXIVM has**
25 **those, yes.**

Page 610

1 Q. Okay. Did anybody help you do the search for
2 documents?

3 **A. Actually, yes. I was trying to locate an old**
4 **computer I had that might have been refurbished, but**
5 **it wasn't to be found. Other than that, no.**

6 Q. Who helped you look for the old computer?

7 **A. I actually asked Karen Unterreiner to find**
8 **out what happened to it.**

9 Q. Am I correct that the only document you have
10 that's responsive to any of these 12 categories is
11 the copy of the book *Odin and the Sphinx*?

12 **A. I believe so. Hold on a second.**

13 (A discussion was held off the record.)

14 **Continuing...**

15 **A. Except for Article 10, I believe that is**
16 **correct.**

17 Q. With respect to Article 10, you have -- that
18 requested copies of articles that you had written
19 or cowritten for *Conocimiento* magazine?

20 **A. Yes.**

21 Q. Did you have documents or copies of articles?

22 **A. I have copies of articles that I have written**
23 **within the last year that were translated and**
24 **published in this magazine. They have not been**
25 **published beyond that. I don't know.**

<p>1 MR. LEONARD: We could produce them if 2 we need to. I'd like some kind of showing of how 3 they could possibly be relevant. They're in 4 Spanish, as I understand it. I mean, I'll work with 5 you on it, but I don't quite understand.</p> <p>6 MR. KOFMAN: The question is going to be 7 whether or not they disclose anything that's claimed 8 as a trade secret, whether or not it's something 9 publicly available that contains trade secrets.</p> <p>10 MR. LEONARD: I had hoped to have a 11 chance to look at these. I haven't. We'll take a 12 look at them, but they're published years after the 13 alleged, you know, sort of after the disclosure 14 tracing in this case so I don't think they have any 15 bearing on this case.</p> <p>16 We could work with you on that.</p> <p>17 MR. KOFMAN: Okay. If we could mark 18 this as NXIVM -- I'm sorry -- as Raniere-31. 19 (Odin and the Sphinx written by Keith 20 Raniere and Ivy Nevares was received and marked 21 Defendant's Exhibit Raniere-31 for Identification.)</p> <p>22 BY MR. KOFMAN:</p> <p>23 Q. Mr. Raniere, is that a copy of the book 24 Odin and the Sphinx that you referred to in your 25 deposition in March?</p>	Page 611	Page 613
<p>1 A. I believe so, yes.</p> <p>2 Q. Earlier today, Mr. Raniere, you mentioned 3 to or you told Mr. Skolnik in response to one of his 4 questions that the Rules and Rituals had been -- 5 that certain information or that the Rules and 6 Rituals had been released to the public -- or strike 7 that. Let me say that.</p> <p>8 I believe you said that the Rules and Rituals 9 performed a selective function for NXIVM.</p> <p>10 A. That was part of it, yes.</p> <p>11 Q. And I believe you said there that people -- 12 the way it performed a selective function was people 13 either heard about certain elements of Rules and 14 Rituals or certain elements were made public, and 15 that would either persuade or dissuade people to 16 join the group, NXIVM.</p> <p>17 A. That was a potential of the Rules and 18 Rituals. We have, for example, made known that 19 people wear sashes and have rank; but more when 20 someone comes and actually takes the Rules and 21 Rituals, that serves as a selecting function.</p> <p>22 Q. How did you make known that people wear 23 sashes?</p> <p>24 A. Well, we have design patents on them; and I 25 think that's the main way.</p>	Page 612	Page 614

Page 615	Page 617
1 Q. Did you understand that Stephanie Franco was 2 given the materials as part of taking NXIVM courses? 3 A. I believe they were leased to her, I think. 4 Q. Was she ever asked to return the materials? 5 A. I don't know. 6 Q. Was Peter Fallon ever asked to return the 7 materials after he stopped attending -- after he 8 severed his relationship with NXIVM? 9 A. I don't know. 10 Q. Do you know if NXIVM makes it a practice of 11 asking students to return materials after they stop 12 taking classes? 13 A. I don't know. 14 Q. How about coaches after they've left, coaches 15 or facilitators? Are they asked to return 16 materials? 17 A. I'm not sure. 18 Q. You mentioned also today that there was a -- 19 that Nancy Salzman was videotaped affirming the 20 confidentiality of materials. 21 A. No, Nancy -- my meetings with Nancy initially 22 were videotaped. 23 Q. And who videotaped those meetings? 24 A. Actually, I did. 25 Q. Okay.	1 A. I'm a conceptual founder, yes. 2 Q. You're the conceptual founder. 3 Did the event with the Dalai Lama take place? 4 A. Yes. 5 Q. Are you aware that at some point the Dalai 6 Lama indicated that he would not attend an event 7 sponsored by the World Ethical Historical 8 Consortium? 9 A. No, I wasn't aware of that. 10 Q. You weren't aware that at some point he 11 indicated that he would not attend -- would not 12 attend or would not speak in Albany? 13 A. No. 14 Q. Were you involved with the planning of this 15 consorti -- of this event? 16 A. To some degree, yes. 17 Q. And were you aware that the Dalai Lama had to 18 be persuaded -- had to be persuaded to change his 19 mind -- strike that. 20 Are you aware that the Dalai Lama cancelled 21 the event at one point? 22 A. No. 23 Q. Who was responsible for the planning of this 24 event? 25 A. Well, Claire Bronfman, Sara Bronfman, in part

Page 619	Page 621
<p>1 Q. When did you do that? 2 A. I don't know. It was probably -- it was like 3 the second week in April, I believe. I'd have to 4 take a look at what the date was. 5 Q. Okay, and did you meet with the Dalai Lama? 6 A. Yes. 7 Q. And in any of your discussions with the 8 Dalai Lama or his representatives, did you discuss 9 this case? 10 A. Yes. 11 Q. Did you discuss Stephanie Franco, Morris 12 Sutton or Rochelle Sutton? 13 A. Yes. 14 Q. What did you say? 15 A. They had Michael Sutton's deposition. They 16 wanted to know if I believed that that was true. 17 They asked me what I felt the source of this 18 disagreement was. I said that Morris Sutton is from 19 a devout religious community and that his son was 20 considered a very eligible bachelor and that that 21 community has an edict or a type of rule that does 22 not allow people to have children outside of the 23 community with people outside of the community, if 24 they did that they would be asked to disown the 25 child and the why wife or mate or whatever, and that</p>	<p>1 inaccurate because I believe our materials were 2 ultimately taken improperly. 3 Q. Did you indicate -- 4 THE VIDEOGRAPHER: Excuse me. We have 5 to change tapes. 6 MR. KOFMAN: Okay. 7 (A discussion was held off the record.) 8 THE VIDEOGRAPHER: This is the beginning 9 of Tape Number 6. We're on. 10 BY MR. KOFMAN: 11 Q. Just to back up a little bit, you mentioned 12 that you gave a copy of Michael Sutton's deposition 13 transcript to -- 14 A. I did not. 15 Q. -- someone. Strike that, okay. You did not. 16 Did they have -- did someone from the Dalai 17 Lama's -- one of Dalai Lama's representatives have a 18 copy of that? 19 A. Yes. 20 Q. How did they obtain it? 21 A. I don't know. 22 Q. Do you know if someone from NXIVM gave that 23 to them? 24 A. I don't know; might have, but they also had 25 -- it appeared they had everything that's been on</p>
Page 620	Page 622
<p>1 Michael Sutton had come to us with a dilemma because 2 he had had a child outside of the community and was 3 being asked to reject that child and disown that 4 child. 5 And after coming to our course, he had 6 resolved in himself that he would not disown the 7 child and would accept the child and that that was 8 likely seen as a threat by Moe Sutton, threatening 9 his way of life, his way of thinking. 10 Q. Anything else? 11 A. I believe that the -- the negative PR that we 12 have is earned but not accurate. 13 Q. What do you mean by "earned but not 14 accurate"?</p> <p>15 A. Well, I would be foolish to say that I didn't 16 participate in any way. I would be foolish to say 17 that I didn't help start the school, that I'm not 18 involved in any way now in this lawsuit, that a 19 whole series of choices where, for example, I 20 haven't spoken out much in public or choose to speak 21 out in public. Those things are my responsibility. 22 I have tried to minimize the damages that have gone 23 on in this lawsuit, so I take responsibility for my 24 actions but that I think the damages are awful and 25 that I think that what is said is wrongful and</p>	<p>1 the web, everything that is publicly available. It 2 looked like they had a lot of files; and from what I 3 understand, they have been studying us and studying 4 this for quite some time. 5 Q. And so you don't know one way or the other 6 whether -- strike that. 7 Is it your understanding that the deposition 8 of Michael Sutton is publicly available? 9 A. I think it's his Affidavit, and I don't know. 10 Q. It was his Affidavit, not his deposition? 11 A. Not his -- I'm sorry. If I said deposition, 12 I meant Affidavit. 13 Q. Okay. Who was present when you had that 14 conversation about Moe Sutton with -- strike that. 15 First of all, was that a conversation you 16 had with the Dalai Lama or with one of his 17 representatives? 18 A. The Dalai Lama was there, and I was speaking 19 to a representative. 20 Q. Who else was there? 21 A. There were a number of monks. I don't know 22 who they were. There was a translator. Tenzin 23 Takla was there. His boss was there. There was a 24 gentleman who was head of the New York Center, 25 Robert Thurman. His Holiness, the Dalai Lama was</p>

Page 623	Page 625
<p>1 there. Nancy Salzman was there. Sara Bronfman was 2 there, and Tenzin -- Lama Tenzin was there. 3 Q. Did you tell -- did you state at this time 4 that Morris Sutton was responsible for negative 5 things that had been published about NXIVM? 6 A. I don't believe I stated that. 7 Q. What did -- what was the relevance of talking 8 about Morris Sutton to the Dalai Lama? 9 A. Because I was asked. I was asked about the 10 Affidavit, if it was true, and what I believed were 11 the motivations. 12 Q. I'm sorry. What you believed were the 13 motivations of who? 14 A. The motivations behind some of the 15 negativity. 16 Q. And did you tell the Dalai Lama that some of 17 the negativity was caused by Morris Sutton's upset 18 about his son's decision to acknowledge his child? 19 A. I think I said that it was my opinion that a 20 lot of the disagreements between Michael Sutton and 21 Moe Sutton were caused by that and that that was a 22 motivation. I don't think I said that directly he 23 caused it. 24 Q. Did you indicate that Morris Sutton was 25 responsible for negative articles being published?</p>	<p>1 Q. Did anyone from NXIVM, including the 2 Bronfmans, pay any money to the Dalai Lama or to 3 an organization with which the Dalai Lama was 4 associated? 5 A. Not that I know of. 6 MR. KOFMAN: I have no further questions 7 at this time. 8 THE WITNESS: Thank you. 9 MR. SKOLNIK: Just one follow-up. 10 RECROSS-EXAMINATION MR. SKOLNIK: 11 Q. Is it your testimony that in that meeting 12 that you had with the Dalai Lama and his associates 13 there was no discussion of Rick Ross? 14 A. I'm not absolutely sure. The focus of the 15 discussion, from my interpretation of it, was me. 16 And I tend not to focus on others, what my 17 participation is and what I'm going to do, so I 18 don't remember that. It wasn't my focus in 19 thinking. 20 Q. But you said that they had a lot of materials 21 related to the litigation, is that right? 22 A. Uh-huh. 23 Q. But they didn't ask you questions about that? 24 A. Correct.</p>

1 Page 627

2 J U R A T
3 I, KEITH A. RANIÈRE, do hereby
4 certify that I have read the foregoing transcript of
5 my testimony taken on May 13, 2009, and have signed
6 it subject to the following changes:
7 PAGE LINE CORRECTION
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21 DATE: _____
22 Sworn and subscribed to before me on this day
23 of _____
24 NOTARY PUBLIC
25 _____

Page 628

1
2 C E R T I F I C A T E
3
4
5 I, CHERYL McGANN, a Certified Court
6 Reporter and Certified Realtime Reporter of the
7 State of New Jersey, authorized to administer
8 oaths pursuant to R.S.41:2-2, do hereby certify
9 that prior to the commencement of the examination,
10 the witness was sworn by me to testify to the truth,
11 the whole truth, and nothing but the truth.
12 I DO FURTHER CERTIFY that the foregoing
13 is a true and accurate transcript of the testimony
14 that was taken stenographically by and before me at
15 the time, place, and on the date hereinbefore set
16 forth.
17 I DO FURTHER CERTIFY that I am neither
18 a relative nor employee nor attorney nor counsel
19 of any the parties to this action and that I am
20 not interested in the action.

21
22
23
24 CHERYL McGANN
C.C.R. License No. XI000918
25

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0	2	544:21,22;545:7,10, 12;592:3,3 3:44 (1) 582:25 30 (1) 539:12 34 (2) 445:7;447:21 360 (3) 575:18,19,20 37 (2) 468:8,11 3700 (1) 534:11 38 (1) 478:19	598:16,21;621:9 60 (1) 543:7 64 (1) 544:25 7	abusive (1) 546:10 ac (1) 512:1 accept (1) 620:7 acceptable (8) 457:17,21,23; 458:10,21;459:14, 24,460:2 accepted (1) 521:23 access (12) 465:15;490:2,5,22; 491:12;493:14; 494:21;501:2; 609:16;613:19; 614:3;616:16 accessed (1) 492:25 accomplish (1) 582:10 account (11) 571:5,15,16,19; 603:20;604:18,20; 605:5,7,10;606:10 accounts (4) 603:8,12,18; 604:17 accuracy (1) 541:1 accurate (7) 434:5;436:12; 452:23;542:8; 549:10;620:12,14 accurately (2) 468:19;490:11 accused (1) 537:21 achieve (1) 503:16 acknowledge (2) 518:4;623:18 acknowledged (1) 519:1 acquisition (2) 596:5;597:8 act (4) 475:6;481:6,9; 536:17 actions (9) 509:24;510:10; 511:11;512:2;518:7; 582:13;590:16; 598:24;620:24 active (2) 504:14;580:13 actively (2) 443:22,24 activities (1) 487:8 activity (1) 545:11
0907 (1) 556:15	2 (3) 474:16;561:8; 607:11 1	3:44 (1) 582:25 30 (1) 539:12 34 (2) 445:7;447:21 360 (3) 575:18,19,20 37 (2) 468:8,11 3700 (1) 534:11 38 (1) 478:19	7 (1) 560:18 711 (1) 547:17 712 (1) 541:9 715 (1) 542:15 716 (2) 543:3,8 719 (1) 544:19 729 (1) 545:15 762 (1) 548:4 768 (1) 539:16	
1 (7) 442:18;444:25; 544:22;561:8; 577:12;586:4;588:10 1/26/05 (1) 556:17 1:20 (1) 524:4 10 (15) 439:12,15;451:7,9, 12,20,23,24;537:21; 545:16,19;556:11; 558:4;610:15,17 10,000 (1) 534:2 11 (1) 544:17 11/28/04 (1) 556:23 11:13 (1) 474:16 1165 (1) 556:12 12 (14) 468:17;478:19,23; 479:5,21,25;480:1,9, 14,15;515:20;519:7; 609:7;610:10 12/9/04 (1) 594:12 12:13 (1) 512:22 12065 (1) 432:24 12-point (1) 522:5 13 (4) 432:2;554:11; 577:7;603:7 15 (2) 442:4,11 16 (1) 577:4 18 (4) 441:25;442:2; 521:8;561:19 1989 (1) 486:5 1990 (1) 574:7 1998 (1) 445:8 1999 (1) 544:6	20 (5) 453:20;454:8; 487:12;554:7,8 2000 (1) 544:6 2003 (8) 441:25;442:2,10; 553:11,18;559:7; 603:12;605:3 2004 (10) 556:11;557:4; 558:4;560:18;561:1, 15,20;563:4,16; 604:15 2005 (1) 559:22 2006 (2) 554:11;555:3 2009 (3) 432:2;608:18; 609:4 2030 (1) 554:2 21 (3) 548:6,11;553:5 22 (4) 442:3,5;521:13; 559:7 23 (2) 560:3;569:17 25 (3) 491:19;613:18,25 25,000 (1) 445:10 250 (1) 487:13 26 (1) 559:22 27 (2) 608:18;609:4 27th (1) 530:6 28 (4) 557:15;561:1,15; 563:15 29 (1) 563:16	4 (7) 515:17,17;531:9; 549:7;596:2,7; 597:14 40 (2) 485:23;488:17 400,000 (3) 533:25;534:7; 535:6 400,000' (1) 534:6 41 (2) 487:11;488:17 42 (1) 521:2 43 (3) 489:20,21;493:17 44 (2) 533:18;534:16 44f (1) 536:2	8 (7) 557:4;563:3; 599:24;600:1,12,20; 601:22 8/7/04 (1) 556:20 8/8/03 (1) 524:15 80 (1) 594:13	
			5	A
			5 (20) 524:12,14,22; 525:13;526:25; 527:17;528:24; 530:23;531:6;534:5; 543:5,11,12;544:16; 577:10;582:25; 597:5,9,17,25 5/13/06 (1) 554:1 5:00 (1) 626:15 52 (4) 544:22;545:3,16, 19	Abby (2) 584:17,18 abilities (1) 482:13 ability (5) 477:15;509:10; 510:6;511:20;516:6 able (9) 472:18;497:6; 498:6;502:24;515:2; 537:8;544:2;547:9; 552:17 above (2) 433:18;602:3 abreast (2) 594:25;595:5 absolutely (4) 533:17;607:16,24; 625:15 absurd (1) 601:20
			3	6
			3 (12) 432:24;490:4; 512:22;514:5;515:5;	6 (6) 577:11,19;597:25;

acts (1) 481:6	468:9;485:24;514:5; 524:12;533:19; 553:22;565:5;	aided (3) 464:21;22;467:13	apparently (1) 535:25	558:6
actual (6) 449:21;455:6; 470:9;480:18; 482:22;577:10	569:17;622:9,10,12; 623:10	Al (1) 584:25	arranging (2) 575:13;576:8	
Actually (16) 436:3;452:25; 453:2,2;455:20; 472:13;481:19; 485:17;491:6,16; 500:1;610:3,7; 612:20;615:24; 618:15	affiliated (1) 569:22	Albany (2) 617:12;618:12	arrived (1) 571:11	
add (1) 525:9	affirmed (2) 446:19;583:12	alerts (1) 517:14	artful (1) 546:18	
addition (4) 501:2;527:15; 548:4;567:3	affirming (1) 615:19	aligned (1) 569:15	article (12) 508:6;523:4,8; 532:21;550:11,12; 586:23;587:2; 592:13;596:14; 610:15,17	
additional (2) 525:2;527:18	afford (1) 532:12	alive (1) 585:2	articles (41) 435:6,11;489:15; 494:25;501:21,25; 503:10;504:5,23; 505:5,7,15,21;506:1, 10,17,24;507:3,4,5; 522:21,25;532:16, 25;549:12;550:3,9, 17,18,22;551:6,6,16, 22;552:23,25;607:2; 610:18,21,22;623:25	
Additionally (4) 516:10;524:16; 525:17;527:19	affords (1) 538:18	alleged (2) 601:23;611:13	application (30) 538:23;539:2,15, 24;540:4,11,14,18, 19;541:5,13;542:20, 23;544:9;548:7,21; 549:12,14,18,20; 550:4,6,10,23; 551:15,18;552:13, 19;553:4,21	
address (18) 457:5,18;458:15, 19;559:23;560:16, 20,24;561:2;566:10; 570:15,17;571:2,8; 603:10,25;604:23; 605:16	again (19) 452:7;456:15; 461:11;472:21; 473:7;483:6;484:19;	allow (2) 525:7;619:22	applications (2) 541:2;551:1	arts (2) 478:6;613:2
addressed (9) 458:14;529:4; 530:13;559:3,23; 560:11,12;561:2; 571:19	against (4) 536:20,24;545:25; 575:14	allowed (1) 494:4	ascertain (1) 539:22	
addresses (5) 457:15;535:5; 592:4,604:6;605:19	agency (1) 592:10	allows (1) 486:19	ascertained (1) 539:23	
addressing (2) 527:16;545:8	aggressive (1) 581:7	almost (2) 534:6,6	aside (3) 466:10;496:5; 601:5	
administrator (1) 439:25	ago (9) 454:1,6;519:1; 526:5;589:23; 591:23;605:8,8,17	along (4) 434:24;495:2; 555:5;565:25	appropriate (3) 458:22,23;489:14	aspect (11) 457:13;481:8; 508:14,25;509:1,11; 525:1,2;582:5; 585:16;600:19
admissibility (1) 433:13	agree (12) 507:1,8;508:13; 511:17;519:6; 534:15;536:25;	alter (3) 486:18,19,20	approached (1) 591:3	aspects (9) 469:19;470:13; 471:11;476:2; 486:15;547:14; 567:7;570:12;572:11
advanced (1) 466:23	agreed (2) 433:11;590:24	alters (3) 516:16;517:4,22	approximate (1) 437:3	assembling (1) 540:14
advantage (5) 475:3,14,18; 545:25;546:20	agreement (30) 433:5,7,19;446:14, 16,21,23;447:9;	although (17) 437:15;438:7;	approximately (1) 613:18	assert (1) 564:11
advertisement (1) 567:19	454:13,18,20;462:1, 6,16,18;468:13;	441:8;462:5;465:10; 472:21;489:5;504:8;	April (3) 557:4;563:3;619:3	asserted (2) 565:15,18
advice (6) 503:24;567:11; 569:2;578:22;582:5; 585:16	553:25;554:9,15; 555:2,3,4;559:3;	506:24;508:7; 526:14;531:1;533:9;	approximate (1) 437:3	assertions (2) 446:18;493:25
advise (6) 578:13,19;579:10; 592:8;593:2;606:5	560:1;561:22;562:2, 21;564:20;600:3; 609:19	541:21;570:25; 573:14;581:6	area (1) 618:12	assessed (1) 436:16
advised (1) 571:25	agreements (12) 447:6;454:15,19, 21;462:3,4,7,8,13;	always (2) 448:11;576:19	areas (3) 476:21;510:3;	assessment (1) 436:5
Affidavit (14) 441:24;445:8;	493:15;555:8;588:13	amalgamation (1) 491:2	511:5	asset (1) 481:8
	ahead (6) 510:13;512:4;	Amended (1) 577:6	Arlen (2) 540:12;609:18	assign (5) 441:2;456:6;
	516:10;517:12;	among (3) 516:6;530:5;	Arlen's (1) 462:9	483:22;484:20,25
	571:14;618:7	577:12	around (2) 500:7;529:17	assigned (11) 437:15;439:20;
	aid (2) 475:21;527:24	analysis (1) 465:4	arrange (1) 544:2	440:7,22,25;441:4,6;
		analyzed (1) 488:10	anticipation (1) 467:2	
		analyzing (1) 457:12	Arrangements (1)	
		and/or (2) 524:24;593:20		
		Anna (1) 584:13		
		answered (2) 444:6;516:14		
		Anthony (7) 500:5,10,16;		
		513:10,16,21,24		
		anticipation (1) 467:2		

455:12;456:3,8; 485:20 assignee (1) 437:19 assignment (5) 437:23;462:11; 485:10,14;539:25 assignments (2) 485:21,22 assist (2) 453:22;466:17 assistant (2) 490:8;532:21 associate (2) 532:22;570:21 associated (4) 434:25;533:9; 624:24;625:4 associates (1) 625:13 assume (7) 445:1;465:8; 468:21;503:18; 516:18;582:3;590:3 assumed (1) 547:6 assuming (1) 484:13 assumption (5) 494:13,15;562:23; 576:19;589:25 assumptions (1) 514:21 assured (2) 568:21,22 astro (3) 585:4,20;586:1 attached (2) 522:4,11 attaching (1) 559:4 attachments (2) 556:14;561:21 attacked (2) 531:19,20 attempt (1) 591:14 attempted (1) 601:25 attempting (2) 536:11;590:20 attempts (1) 535:6 attend (8) 516:8,23;613:5; 616:20;617:6,11,12; 624:23 attended (5) 435:21;513:12,16; 589:16;601:24 attending (2) 615:7;616:19 attention (4)	435:22;436:2; 536:6;571:9 attentions (2) 502:15;503:1 attire (1) 473:12 attorney (2) 571:25;572:4 attorney-client (1) 433:17 attorneys (10) 432:6;492:20; 555:6;564:5,6; 565:13;566:14; 567:1;576:20,22 attributable (2) 507:15;515:13 August (7) 441:25;442:2,3,5, 10;560:18;569:17 auth (1) 455:15 author (6) 483:19;484:2,10, 18;486:21;511:1 authored (2) 455:16;484:14 authoring (1) 467:14 authoritarian (1) 536:12 authority (6) 445:9;502:23,23; 527:7;532:20;569:6 authorized (1) 614:24 authors (10) 453:5,10;454:14; 455:6,11,12;456:3; 467:2,9;511:2 available (23) 482:21;488:13; 495:23;518:6,9; 519:9;520:15,25; 521:13,17,20,22; 522:1,8;541:5,8; 544:13;552:20; 559:15;582:14; 611:9;622:1,8 Aviv (8) 564:3;577:22,25; 584:8,24;585:1,4; 586:18 avoid (1) 433:3 aware (39) 433:21;501:23; 503:7,8;504:15,20; 514:4;520:12,17; 521:12,16,18,21,24; 522:4;541:4;543:21; 544:1;576:11;586:7, 15;588:24;590:4;	593:8,11,15;594:5; 598:21;599:1,3; 606:16;617:5,9,10, 17,20;618:2,9,14 awareness (6) 499:16,18,24; 500:1,3,8 away (13) 481:25;486:10,23; 487:4,6,7,17;488:7, 18,19,24;497:2; 519:23 awesome (2) 510:6;511:20 awful (1) 620:24 awhile (3) 509:25;511:11; 526:5	434:17;465:20,25; 466:3,12;473:25; 516:21;532:6;533:4; 540:24;548:14 Bates (11) 539:16;554:1; 556:11,14,17,20,23; 557:1,4,9;594:12 BCC (1) 563:17 BCC'ed (2) 579:13;593:5 bearing (1) 611:15 became (5) 443:23;444:3; 447:3;586:7;593:15 become (14) 455:10;482:4; 486:21;489:21; 492:2,8;505:17; 546:9;586:15; 588:24;590:4; 593:11;599:3;618:9 becomes (2) 471:16;481:17 becoming (1) 493:18 beg (1) 479:16 began (1) 606:23 begin (4) 433:3;497:13; 545:12;577:10 beginning (13) 446:14;453:17,18; 474:15;493:17; 512:21;543:5,10; 544:20;549:6; 554:17,18;621:8 behalf (3) 432:18;439:17; 598:25 behavior (7) 445:19;457:12; 464:22;466:2; 486:16,20,22 behaviors (1) 536:8 behind (5) 480:21;483:18,18; 487:23;623:14 beings (2) 510:5;511:19 belatedly (1) 576:15 belief (4) 436:18;532:6; 576:24;626:8 Beliefs (4) 510:4,10;511:18; 512:2	believes (2) 507:23;597:10 bell (1) 584:19 belts (2) 478:4,5 beside (2) 500:9;606:14 best (7) 450:16;456:2; 460:8,9;461:17; 488:2,3 better (4) 497:6;498:6; 499:5;575:10 betterment (2) 477:12,13 beyond (2) 531:10;610:25 big (1) 465:10 Bill (4) 468:2;479:11; 560:4;607:23 billionaire (1) 531:13 bio (2) 434:4;436:10 biography (1) 534:3 birthday (1) 456:21 bit (2) 435:17;621:11 black (1) 478:4 book (4) 567:19;603:19; 610:11;611:23 books (3) 435:5,10;448:2 boosted (1) 507:12 boss (1) 622:23 both (8) 444:3;455:13; 488:21;504:8; 513:21;536:14; 549:13;550:16 bottom (2) 452:22;492:13 bowing (1) 470:13 boxed (1) 559:11 brain (1) 517:7 break (5) 474:12;523:14; 555:24;556:2;557:24 briefs (2) 573:17,25
--	--	--	--	---

bringing (2) 494:6,11	570:2;581:4	597:21;611:14,15; 613:6,7,24;619:9	433:14	claims (12) 533:22,24;564:11; 566:12,17,21,24; 567:4,6,9;573:13; 586:1
broad (2) 499:6,512:16	444:8;447:7,16; 502:25;560:23;	cases (4) 474:3,4,5;503:1	chance (2) 436:21;611:11	Claire (3) 456:25;457:2; 617:25
broader (2) 440:15;511:14	564:5;581:5;585:7; 594:24;605:11; 618:11,20	cash (1) 448:16	change (8) 474:10;512:20; 546:9;549:3;562:20; 582:21;617:18;621:5	clarify (1) 518:20
brochure (2) 437:7;512:7	camera (2) 616:1,5	cat (2) 507:24;518:17	changed (1) 453:8	class (1) 470:6
brochures (1) 513:3	Campion (22) 432:18,18;442:1,3, 7;501:15;523:15; 555:25;558:11,15; 584:15;600:10; 602:6;603:4;604:3,8; 606:19;607:12,13; 608:19;609:4;618:5	Catalog (2) 521:4,9	changes (3) 488:15;517:10,13	classes (1) 615:12
Bronfman (9) 456:13,19;22,24, 25;457:2;617:25,25; 623:1	catch (1) 580:15	catching (1) 580:19	changing (1) 580:14	classified (1) 473:14
Bronfmans (1) 625:2	categorically (2) 597:14,23	categories (2) 609:7;610:10	characterization (1) 501:16	classify (2) 471:1;504:8
brought (3) 449:15;564:7; 579:8	Can (53) 437:3;443:24;	cause (4) 441:4;550:14; 561:10;562:24	charge (1) 574:18	clause (1) 577:18
Buddhism (1) 584:9	453:13;471:13,14; 481:6;482:4,23;	caused (4) 519:10;623:17,21, 23	charts (1) 466:22	clear (3) 546:24;547:2; 576:6
Building (3) 497:4;529:14; 561:11	485:8;486:18,18,20; 488:4,14;489:25; 490:19;491:10;	causes (3) 518:1;519:3; 528:20	cheating (2) 537:16,16	clearer (1) 599:5
Built (1) 534:4	495:2,2;497:12,25; 500:9;503:25;510:8;	cautioned (1) 585:22	child (8) 434:20;619:25; 620:2,3,4,7,7;623:18	clearly (2) 536:7;571:9
bunch (3) 540:22;586:18; 587:25	511:15,22;514:12, 19;517:3;518:4,20; 519:5;525:11; 527:15;528:22;	CC (1) 561:20	children (1) 619:22	clever (3) 472:11;501:11,16
business (16) 438:3;444:23; 466:5,10;473:12; 507:2,14,18,20; 532:11;535:14; 555:1,19,21;568:23; 570:20	535:12;537:19,19, 22;539:22;542:5; 545:5,22;546:9; 549:17;554:5;556:5; 558:15;565:1; 603:20;604:8; 608:17;624:21	celebration (1) 456:20	chips (1) 546:6	cleverness (2) 500:24;501:9
business' (1) 451:13	Canadian (1) 541:7	center (2) 490:24;622:24	choice (2) 499:9;503:21	client (6) 484:13;486:24; 488:9;491:4;569:11, 12
buying (1) 447:3	cancelled (3) 531:11;533:4; 617:20	CEO (1) 574:10	choices (3) 455:17;508:19; 620:19	clients (9) 432:7;475:16,17, 20,22,23,25;476:1; 580:23
Buyline (1) 534:7	capability (1) 545:24	certain (36) 437:23;438:3; 445:18,18;451:10; 457:13;458:24; 469:3,12,19;470:19; 471:6;476:2;480:7; 481:19,19;493:24; 502:15;503:17; 514:20;515:11; 517:22;520:19;	choose (4) 503:5;504:1; 519:12;620:20	Clifton (1) 432:24
C	carbon (4) 497:24,25;518:23; 562:3	care (3) 495:7;496:18; 552:2	chose (2) 549:14;624:23	close (2) 590:14;592:12
cable (1) 605:12	cards (1) 434:12	career (1) 464:4	circle (1) 462:19	Club (6) 476:18;477:2,4,8, 10,16
calculation (1) 531:10	care (3) 495:7;496:18; 552:2	carefully (1) 520:7	Circuit (3) 572:19;573:18; 574:1	coach (6) 483:13;489:22; 494:6;514:3;531:9; 532:4
call (10) 436:8;476:14; 506:6;508:22;532:9; 536:19;538:6;581:4, 9;590:19	career (1) 464:4	carefully (1) 520:7	Circuit's (1) 573:4	coaches (8) 463:16;545:4,7,9, 11;546:1;615:14,14
called (11) 476:22;480:23; 541:10;547:17,23; 548:1;572:20;607:9, 15,24;609:18	carefully (1) 520:7	certainty (25) 448:18;469:25; 471:6;476:24;	claim (16) 518:4;531:3;	coaching (3) 503:15;522:16; 553:5
calling (1) 551:21	carried (1) 591:12	certainty (25) 448:18;469:25; 471:6;476:24;	claim (16) 535:5;565:4,10,15, 17,20,21,23;566:9; 567:17;568:9,11,12, 14	coach's (1) 491:3
calls (5) 503:14,22;536:5;	case (16) 477:6;482:9; 491:17;519:20; 568:17;571:23; 573:5;591:10,16;	challenge (1) 537:24;538:3; 541:24;550:6;567:6; 581:17,25;590:1	claimed (2) 531:13;611:7	Coca-Cola (1) 481:22
			claiming (1) 534:25	code (2) 460:3,5
				co-experiment (1)

445:20	504:4,15	conclusion (1)	consistent (4)	461:25
Coke (2)	competitors (13)	570:3	467:23;498:16;	contribute (1)
497:24;518:23	475:3,14,17;476:5,	conclusions (6)	509:24;511:10	448:18
colleagues (1)	7,13,14;477:25;	433:15;524:18;	consistently (2)	contribution (1)
608:6	499:1,3,4;503:6;	525:19;527:20,24;	510:1;511:12	448:15
collected (1)	504:2	587:20	consorti (1)	contributions (1)
599:12	complete (4)	conditions (1)	617:15	448:17
Coming (3)	542:10,10;549:10;	546:11	Consortium (3)	control (8)
482:16;618:19;	550:2	conduct (7)	616:24,25;617:8	509:11,13,17,23;
620:5	completed (1)	439:5;536:20,25;	constitution (2)	510:12;511:10;
commenced (1)	540:16	581:21;588:16,21;	512:4;546:18	512:4;546:18
583:6	completely (5)	598:18	constructs (1)	controls (1)
commented (1)	508:6;511:17;	conducted (2)	458:20	437:12
491:5	521:24;550:5;570:10	435:14;463:21	consult (1)	conversation (4)
comments (3)	completeness (1)	conducting (1)	608:6	581:10;589:2;
580:18;585:20;	541:2	576:18	consulted (7)	622:14,15
589:22	completion (1)	conferences (1)	565:3,21;567:16;	Conversations (16)
commerce (1)	538:17	598:19	568:13,16,19;592:18	435:24;532:8;
477:23	component (2)	confidence (2)	consumer (1)	572:21;581:12;
commercially (1)	491:24;492:1	454:23;614:8	516:5	583:25;584:13,21;
496:23	comprehensive (1)	confidential (29)	Consumers (4)	587:8,12;595:17;
common (1)	587:16	461:19;469:14,18,	516:7,7,22,25	599:17;600:18;
567:13	compromise (2)	19;470:1,4,12,18;	Consumers' (1)	601:11,14;602:18,22
communicate (3)	518:25;519:23	471:7;482:10;483:4;	conversed (1)	572:17
497:6;498:6;	compromises (2)	488:23;490:18;	conveyed (2)	466:20,25
602:23	516:16;517:4	494:2;495:20,25;	convined (1)	565:12
communication (2)	Computer (10)	496:4,16;497:14;	co-own (1)	448:7
445:11;586:8	465:3;490:4;	507:23,24;508:5,10;	copied (4)	515:24;579:13;
communications (18)	492:23,24;493:10,	538:21;539:6;553:1;	593:5;606:11	593:5;606:11
433:10;577:13;	12;570:25;609:16;	554:1;557:7;560:19	copies (12)	493:1,4,6;522:4;
579:11,14;586:13,	610:4,6	confidence (25)	559:24;573:19,21;	559:24;573:19,21;
14;588:11;592:4,24;	computers (2)	446:13,16,18,20,	588:12;610:18,21,	588:12;610:18,21,
593:3,6;598:24;	464:23;465:6	20,22;447:6,9;	22;616:11	22;616:11
600:2,4;603:23;	conceived (2)	454:15,19;461:25;	copy (15)	481:14;520:14,24;
604:2,5,11	473:20,23	462:5,15,18;468:13;	530:6;540:4;560:3,3;	530:6;540:4;560:3,3;
community (5)	concept (6)	473:6;489:25;	562:4;586:8;591:22;	562:4;586:8;591:22;
619:19,21,23,23;	469:13;477:6;	493:15;520:9;	609:4;610:11;	609:4;610:11;
620:2	496:24;499:15;	553:25;554:9,15;	611:23;621:12,18	611:23;621:12,18
companies (1)	517:22,23	564:20;615:20;	copying (1)	516:2
440:8	conception (1)	616:10	copyright (33)	441:7;452:17;
company (11)	474:1	confirm (3)	455:18;475:8;	455:18;475:8;
446:17,23,24;	concepts (11)	442:12;576:1;	482:20;483:15,24;	482:20;483:15,24;
447:5,6;452:2;	452:24,24;469:11,	577:7	484:22,25;485:2,6;	484:22,25;485:2,6;
487:12;490:9,15;	15;480:20;487:23;	confusion (1)	492:14;495:23;	492:14;495:23;
491:20;534:7	514:16,18;517:20;	433:4	497:19,22;515:9;	497:19,22;515:9;
compared (2)	545:20;551:23	Conocimiento (1)	520:13;521:3,9;	520:13;521:3,9;
502:23;567:12	conceptual (3)	610:19	522:12,22,25;523:9;	522:12,22,25;523:9;
compete (10)	471:25;617:1,2	consider (22)	543:14,14,20;	543:14,14,20;
501:19;502:1;	concern (1)	444:19;450:24,25;	552:21;565:20,21;	552:21;565:20,21,
503:3,11;504:6;	456:18	457:14;461:18;	23;566:8,9;573:4	23;566:8,9;573:4
507:4;521:14;522:8;	concerned (3)	465:8,11,13;477:8;	copyrighted (11)	441:10;480:16,19;
548:19;552:16	530:9;533:8;569:1	495:19,25;496:4,6,	486:9;487:12,16;	486:9;487:12,16;
competed (1)	concerning (5)	10,12;497:15;498:4,	515:19;516:2,13;	515:19;516:2,13;
502:15	433:8;572:24;	25;499:23;502:8;		
competing (2)	573:4;578:23;598:24	559:14;564:3		
499:13;502:22	concerns (7)	considered (7)		
competitive (1)	559:25;561:21;	444:21;456:21;		
475:17	563:18;577:12;	476:18;477:21;		
competitor (16)	579:7;618:3,18	544:7;566:10;619:20		
476:11,19;477:8,	conclude (1)	considers (2)		
20,21;499:7;500:13,	458:21	469:14;495:21		
17,21,24;501:23;	concluded (1)	consistency (2)		
502:8,19;503:8;	626:15	510:3;511:5	contract (1)	

528:18;529:2 copyrighting (2) 481:15,16 copyrights (25) 440:23,24;452:20; 455:5,10,10;456:4,5, 8;485:19,19;492:10; 514:7,10;515:10,24; 517:17;520:9; 521:10;524:25; 526:23;527:14; 528:15,17;543:18 copywritten (4) 482:2;492:12; 514:17;527:4 core (1) 454:8 corporate (5) 478:7;486:6; 555:20;563:19;578:2 corporation (17) 437:18;442:19; 443:3,4;444:13; 445:2;449:4,18,22; 450:25;451:18; 466:4;475:15;490:6; 534:10;574:9;577:6 correctly (6) 486:12;517:19; 524:19;531:21; 534:13;536:21 costs (1) 449:5 counsel (12) 433:5,7,11;485:8; 555:20;566:20; 569:7,9,11;600:3; 604:5,11 counselors (1) 434:22 counter (2) 525:9;535:13 counterclaim (2) 563:24;596:20 countries (2) 541:16,19 course (15) 464:8;483:17; 490:3;492:2;494:4; 501:3,7,14;505:25; 506:23;516:8,23; 536:15;586:6;620:5 courses (11) 439:10,11,16; 466:24;502:14; 504:22;505:2,14; 506:9;507:11;615:2 coursework (2) 515:23;516:7 court (17) 521:21,23,25; 522:7,11;552:21; 571:23;572:2,7,9,15,	18,21,24;573:2,18; cover (1) 457:2 covered (1) 433:18 covert (1) 546:21 cowritten (1) 610:19 crafted (1) 551:2 create (8) 449:4;472:2,25; 510:5,7;511:18,21; 546:4 created (11) 438:19;444:5; 446:7;452:23;456:1; 485:11;486:1;534:8; 555:5;574:9;599:5 creates (1) 561:18 creating (3) 455:25;510:3; 511:4 creation (2) 449:12;467:3 creator (1) 490:5 credentials (1) 534:4 Crime (1) 498:15 criminal (1) 531:17 critical (9) 503:3,4;514:10,23; 515:5,9,14,22;575:6 criticism (2) 536:3,17 criticizes (1) 536:10 CROSS-EXAMINATION (3) 433:2;474:18; 524:10 cruise (2) 601:19;602:15 cult (2) 503:22;536:12 culture (1) 472:23 curious (1) 609:24 current (6) 451:21;455:9; 484:12;516:17; 517:5;555:8 currently (4) 437:16;438:22; 441:19;515:19 curriculum (15) 438:2;439:9,25;	440:1,3;444:5,14; 448:20;449:15; 457:19,19;475:10, 11;525:3,4 curriculums (3) 440:16,17;487:15 custom (1) 470:20 customers (2) 527:10;613:9 D Dalai (24) 616:18;617:3,5,17, 20;618:2,17,23; 619:5,8;621:16,17; 622:16,18,25;623:8, 16;624:12,22,22; 625:2,3,13;626:5 Damage (21) 515:18;518:1; 519:3,10;520:1,2; 524:15,18,22,24; 525:6,19,20,21,22, 25;526:21;527:21; 531:9,23,25 damaged (4) 516:11,13;526:16; 566:23 damages (9) 516:5;526:6,6,8, 18;532:1;570:7; 620:22,24 damaging (6) 525:11;535:10,12, 14;565:8;567:7 Damato (1) 584:25 Danzig (2) 432:12;559:13 Darmsala (4) 618:10,22;626:4,8 data (4) 465:3;537:23; 582:14;585:6 date (8) 432:1;437:2,3; 442:1,6;544:6;590:8; 619:4 dated (8) 441:25;554:11; 558:4;560:18,25; 561:19;563:3,16 David (1) 533:20 days (1) 436:23 DBA (1) 443:2 dead (1) 517:12 dealing (3)	579:9;593:9;594:6 dealings (3) 568:23;593:19; 594:9 debunk (1) 535:6 decide (2) 461:23;572:19 decided (4) 481:14;497:18; 574:23;603:1 decides (1) 503:5 deciding (1) 595:1 decis (1) 488:3 decision (17) 441:2;457:12,13; 458:16;460:7;488:3; 511:15;521:17; 526:1;555:13,16; 564:14;568:9; 570:11;573:4,8; 623:18 decisions (16) 477:16,19;486:17, 20;488:2,4;520:6,10; 564:10;569:3,5,8,10; 571:21;595:12,15 depends (1) 507:21 deployment (1) 437:13 deposed (2) 460:19;589:12 deposit (1) 520:24 deposition (17) 432:4;436:23; 460:12,17,22;461:1; 479:1,18;553:21; 609:9;611:25; 619:15;621:12; 622:7,10,11;626:15 deprived (1) 520:2 deprogramming (1) 591:3 derive (5) 459:25;537:8; 538:20,20;570:6 derived (8) 452:4,8;478:22; 479:7,23;498:18; 542:12;571:6 describe (1) 496:21 described (3) 475:12;494:10; 538:15 description (7) 450:13;542:16,21, 24;545:15;548:5; 552:1
--	--	--	---

descriptions (2) 546:23;552:4	503:15;514:16; 517:6,6;523:5,7;	568:7 discovery (4) 467:24;480:7,8; 567:25	distributed (1) 508:2	500:22;501:4,6,12; 521:14;522:9;552:16
design (1) 612:24	539:11;541:16,19; 549:13;551:13;	disturbing (1) 585:8	duplicated (2) 504:17;553:2	
designed (1) 516:14	573:9;605:20	discredit (1) 534:12	during (5) 436:22;460:22; 463:22;464:8;586:6	
desirable (1) 508:23	difficult (1) 546:13	discuss (17) 447:15;566:12,22; 567:3,8;572:14;		
desire (2) 516:8,23	digital (1) 434:14	573:12;578:3,6,8; 579:16;583:5;		E
desired (1) 516:12	dilemma (1) 620:1	593:21;598:13; 618:22;619:8,11		
destiny (1) 509:18	direct (12) 450:22;464:1; 477:24;498:25;	567:5,7;573:9; 575:12;576:2,7,16;	documentation (1) 602:17	earlier (3) 506:13;596:15; 612:2
destroy (4) 459:3;510:5; 511:19;624:4	499:2,7;506:22,22; 509:23;511:9; 531:10;570:7	579:18;581:14; 593:23,25	documents (22) 466:15;539:9; 556:3,4;557:24;	early (2) 437:1;536:4
destroyed (1) 616:15	directed (1) 455:23	discussing (3) 478:18;519:11; 591:23	558:18,24;562:22; 563:11,14;573:21;	earned (5) 450:11;502:23; 527:7;620:12,13
destruction (1) 536:17	directing (1) 508:11	discussion (15) 528:10;557:17;	574:17;583:23; 602:1,12;606:6,18;	earning (2) 489:22;494:5
destructive (1) 503:23	directly (14) 452:20;466:8;	577:2;579:5,7,22; 580:2;583:9;588:2,6;	609:8,17,22;610:2, 21	ease (2) 497:7;498:7
Detailed (5) 542:16,21,24; 545:15;548:4	474:25;488:21; 492:19;499:13;	594:11;610:13; 621:7;625:14,16	dollars (1) 456:18	easily (1) 552:17
details (3) 455:17;520:21; 601:23	508:11;525:5;531:2;	discussions (8) 566:16;573:7;	done (11) 464:4;492:20;	easy (1) 546:13
determined (4) 445:13;446:4; 581:11;614:3	534:24;538:17; 564:13;570:6;623:22	579:3,5;584:5;594:1;	509:20;553:20;	edict (1) 619:21
develop (7) 445:21;446:1; 466:18;474:24; 477:11;486:5;545:2	director (1) 448:21	599:21;619:7	561:16;579:21;	edit (1) 454:2
developed (6) 445:18;474:25; 478:13,17;480:5; 561:14	disadvantage (1) 461:8	disempowers (2) 510:7;511:21	582:13;591:6,7,8,11	Education (2) 500:13;538:19
developing (4) 466:17;474:21; 492:16;539:13	disagreement (1) 619:18	dishonorable (1) 536:18	door (1) 458:1	effect (5) 509:7,15;516:13;
development (2) 463:23;464:8	disagreements (1) 623:20	disown (3) 619:24;620:3,6	doubt (7) 459:17;542:9;	530:3;608:2
device (1) 477:1	disapproval (1) 536:8	disparage (8) 507:6,8;524:18,24;	down (4) 447:22,24;502:25;	Effective (2) 553:25;554:11
devices (1) 476:15	disapproved (1) 603:2	525:20;526:9;	546:6	effects (7) 508:20,24;509:2,4;
devout (1) 619:19	disburse (1) 487:3	527:21;551:7	downloaded (2) 586:19;587:25	518:13;542:13;
difference (2) 442:4;514:15	discern (1) 550:24	disparaged (2) 486:10;487:17	downside (2) 519:14,17	547:14
differences (1) 541:21	disclose (9) 469:23;482:13;	disparagement (5) 525:6,21;526:6,20;	dozen (1) 534:1	effort (3) 545:22,23;546:4
different (31) 434:12;437:14; 444:1,17;447:16; 455:18;458:9; 471:18;472:22,23; 474:2,3;480:17; 483:13;485:21; 487:1;491:2;500:7;	534:16;537:1; 549:16,18;551:2,7; 611:7	531:24	draft (1) 559:3	efforts (1) 503:1
	disclosed (5) 469:25;481:15;	displayed (2) 490:10,15	drafted (2) 514:7;540:10	either (28) 444:3;450:9;
	501:20;504:19; 548:20	disputing (1) 536:23	drafting (1) 540:13	457:2;462:10;463:2;
	discloses (2) 549:21,22	dissolved (1) 443:5	drafts (1) 539:11	466:5;475:11;
	disclosing (1) 534:22	dissuade (3) 502:21,24;612:15	draw (2) 587:21;598:2	500:25;502:12;
	disclosure (4) 543:12,16;544:3;	dissuaded (1) 507:10	drugs (1) 433:25	504:1;508:11;
	611:13	distinct (1) 546:11	duly (1) 432:25	522:11;525:6,8;
	discovered (3) 464:21;567:18,21	distinction (1) 598:2	duplicate (10) 445:13;446:5,14;	541:6;544:5;559:9;
	discoveries (1)			564:19;565:25;

619:20	447:10;529:24	478:22;479:24; 480:4,6;481:8; 483:22;484:21,22; 485:1,10,14,15; 505:17,20;513:13; 514:3;544:22;545:3, 16,19;553:15;595:8	598:22;599:2,3,6, 7,16,21;600:25; 602:3	614:7 executives (1) 499:4
Elks (7)	536:9;543:5	end (2)	evidenced (1)	executive's (1) 499:14
476:18;477:2,3,4, 8,10,16	endanger (1)	451:13	614:23	Exhibit (20)
else (29)	ended (1)	614:23	exact (2)	441:22;442:8; 521:5,8;539:17;
438:10,17;444:19; 445:4;449:6,11,20; 478:21;479:7,23; 502:5;507:19,19; 519:15,21;520:2; 526:3;563:1;570:17; 571:4;578:13,19; 586:22;591:2;592:8; 593:2;604:22; 620:10;622:20	engage (1)	533:12	437:2;614:25	554:2;556:13,16,18, 21,24;557:3,5,10;
else's (1)	engineering (4)	531:11;533:5,12;	exactly (15)	576:25;577:4; 594:14,16;608:20;
482:12	engineer (7)	581:19	438:7,13;440:14; 473:18;478:10;	611:21
elsewhere (1)	472:8,17;535:16, 18,21,23;536:1	541:14;552:24	528:17;553:3; 568:10;572:6;589:1, 13,14;590:6,8;	Exhibits (1)
498:8	engineered (1)	608:19	605:17	557:14
email (1)	504:16	essence (2)	exaggerated (1)	exist (3)
528:24	enough (6)	509:22;511:9	533:11	443:1;470:7;
e-mail (33)	507:7;547:2;	establish (3)	Exalted (1)	506:25
529:3;530:19; 556:17,20,23; 559:22,23;560:10, 16,18,19,25;561:1,4, 7;562:5;570:15; 571:1,2,8,10;594:12, 17,20;603:8,10,18, 23;604:5,15,23; 605:4,19	548:12,15;566:21;	605:7,9,10	476:22	existed (2)
e-mailed (1)	580:14	established (4)	EXAMINATION (2)	601:3,5
562:13	entail (1)	436:25;437:10;	608:23;626:3	exists (3)
e-mails (13)	609:13	605:14,16	examine (1)	443:2,3,20
571:15,18;572:23, 25;573:3;592:25; 603:20;605:22; 606:3,6,9,18,22	enter (1)	estimation (2)	examiner (1)	exit (1)
embodied (4)	458:3	443:10;525:10	547:7	503:14
474:6;480:8; 538:23;539:1	entered (2)	etc (1)	example (19)	expenses (2)
embodies (1)	447:5;485:9	534:9	456:18;457:20;	438:8;457:3
480:2	entering (1)	ethical (6)	463:15;476:17;	expensive (1)
embody (1)	554:14	444:6;458:20;	502:20;503:2,21;	565:2
518:16	enterprise (1)	477:16,19;616:23;	514:12;517:3,10,21;	experience (10)
emissary (1)	458:11	617:7	519:2,20;526:10;	472:12;474:24;
618:17	enters (2)	ethics (12)	537:13,19;564:2;	498:19;503:25;
emotional (4)	470:15,19	458:15,18;459:19, 21;460:3,5;498:16, 17;509:7,14,16;	612:18;620:19	510:6,11;511:20;
510:11,15;512:2, 25	entire (7)	576:17	examples (5)	512:3;517:13;572:1
employ (1)	471:17,21;472:17;	Ethos (3)	458:25;459:8;	experiences (2)
545:23	515:23;516:11;	437:7;487:15;	476:16;528:2;537:18	474:6;486:7
employed (2)	552:18,20	512:6	except (2)	experiential (2)
450:5;470:21	entirety (3)	evaluate (4)	461:22;610:15	486:4,8
employee (3)	473:9;487:22;	481:13;487:2;	excerpt (1)	explain (1)
450:9,11,14	539:8	550:5;566:8	508:7	518:15
Employment (2)	entities (2)	evaluated (1)	excerpts (3)	explained (1)
561:22;562:1	444:4;450:9	491:5	522:20;552:22,25	507:10
en (1)	entitled (5)	evaluation (4)	exchange (1)	exposed (2)
572:20	467:25;521:4;	566:9;614:5,9,12	497:19	475:23;488:10
encoded (1)	539:15;542:6;586:9	even (31)	excited (1)	expressed (1)
605:12	entity (2)	437:7;444:16;	497:4	587:23
encompassed (2)	441:18;455:24	472:3;477:22;480:4;	Excuse (5)	expression (2)
	equal (1)	483:4;487:2;488:14;	474:9;512:19;	488:16;514:6
	598:1	490:23;496:25;	549:2;582:20;621:4	expressions (1)
	equally (1)	497:6;498:6;502:23;	excused (2)	488:9
	597:25	504:13;505:9;	523:17;626:14	extensive (2)
	ESP (59)	507:12;514:18;	executed (2)	531:14;587:11
	439:21;440:4,4,8, 9,15,18;444:10;	519:25;520:1;	487:23;555:2	extent (3)
	446:6,10;447:2;	523:10;525:5;	executing (1)	437:24;484:24;
	448:7,9,10,11,15,17,	528:21;537:7;539:5;	519:16	520:8
	20,22,25;449:7,12, 17;450:2,14,15,21;	552:8;570:14;	Executive (21)	extra (1)
	451:10,22;452:14,	573:20;589:4;590:8;	438:2;439:24;	560:3
	19;456:2,4,7;458:12;	595:9;606:9	440:25;441:1;	extracted (1)
	470:25;475:9;	event (8)	442:19,22,25;	511:17
		616:19,20;617:3,6, 15,21,24;624:23	443:22;444:2;445:3;	extravagant (1)
		events (9)	455:14;458:11,12;	533:22

487:24;495:18; 497:3	family/friends (1) 536:4	563:15 finance (1) 570:24	456:11 following (3) 508:13;528:11; 578:17	487:14,25 founder (18) 442:18,22;443:7,9, 11;444:12,19,22,23, 23,24;445:2,3,4; 531:13;616:25; 617:1,2
F	far (20) 434:5,18;443:19; 448:6;451:3;455:19; 456:3;462:14; 506:20;520:4;530:9; 540:19,21;543:24; 552:17;566:24; 567:9;568:25; 569:16;581:7	financial (6) 450:18;558:6; 562:21;586:24; 588:3;596:6	follows (2) 432:25;524:8	founders (1) 470:6
fabric (2) 536:20,25	fashion (2) 514:8;546:22	find (4) 495:3;502:10; 535:24;610:7	follow-up (3) 608:16;609:8; 625:9	four-year (1) 532:3
Face (16) 483:2,2,6,9,11,17; 484:8;490:24;498:9; 515:21;519:8;522:6; 14;523:3;571:9; 603:19	fashioned (1) 613:2	findings (1) 433:14	foolish (2) 620:15,16	frame (1) 567:2
facilitator (27) 483:12;488:13; 489:21;490:1,2,24; 491:3,9,12,12,18,23; 492:4,8,17;493:18; 494:13,21;522:16; 553:1,6;613:19,21, 22;614:4,14,16	fear (1) 531:19	fine (1) 590:23	Forbes (14) 502:6,8,9,11,13, 13;507:9,15,19,22; 508:4,6,10;592:12	framed (3) 439:18;566:25; 567:12
facilitators (4) 463:17;492:3; 613:25;615:15	features (1) 539:2	finish (1) 576:5	force (1) 598:1	Franco (13) 432:12;494:12; 567:21,25;568:3,8; 609:2;613:23; 614:13,21;615:1; 619:11;624:10
facsimile (3) 543:15;544:2,14	feel (1) 531:15	firm (5) 559:13;572:1,3; 581:21;585:25	Forcing (2) 519:24;525:10,13	frankly (1) 442:4
fact (16) 472:24;489:3; 494:17;523:10; 534:3;542:7;552:14; 566:4;573:20;588:2, 6;595:21;598:7; 602:13,25;614:23	feeling (1) 477:13	First (48) 436:25;437:9,11, 17;438:4,5,11; 439:21;440:1,22; 441:7,12,15;443:7, 12,14,15,18,19; 450:5;451:1,22; 452:14;455:13; 468:13,25;469:2,6,8; 485:18;495:6; 497:17;509:22;	form (17) 441:21;450:12; 478:22;479:24; 481:2,3,4;501:15; 558:11,13;571:13; 576:15;583:19; 589:18;603:4; 606:19;618:6	freely (2) 516:9,24
facts (4) 525:4,5,8;529:2	felt (14) 445:20,21;532:12, 19;555:6;567:7; 568:5;570:5;579:20; 580:13;583:14; 585:1;586:20;619:17	468:13;583:5,8,11; 590:14;618:15; 622:15	formation (2) 449:7,21	frequently (2) 550:16;569:18
factually (4) 524:16;525:18; 527:19,23	fictitious (1) 591:3	formed (5) 443:14;445:23; 446:10;449:17; 513:13	friend (2) 570:20;585:21	friendship (1) 585:24
fair (4) 444:9;542:7,20,24	field (4) 445:12;447:17; 499:6;582:7	front (5) 517:18;557:15; 572:6;605:13;609:5	front (5)	
fall (1) 500:4	figure (1) 562:12	formerly (2) 442:19;445:2	full (1) 465:17	
Fallon (5) 532:5,7,24;614:16; 615:6	file (1) 568:9	forms (2) 510:10;512:2	fullest (1) 520:7	
False (22) 524:15,16,23; 525:4,5,7,14,18; 526:7,17;527:19,23; 528:21;529:2; 531:12,15,24;533:5; 535:11;580:23,25; 590:21	filed (8) 522:12;541:13; 544:5,8;568:11; 573:18,25;574:2	Firstly (1) 536:13	fully (2) 434:1;445:23	
falsehood (1) 531:16	files (3) 543:17,22;622:2	flavor (1) 454:4	fully-executed (1) 560:1	
familiar (7) 499:15;500:6; 559:1,10;561:4; 563:8,21	filings (8) 565:3,9,21,23; 567:4,16;568:13; 574:16	Flintlock (1) 432:24	function (3) 612:9,12,21	
families (1) 458:3	final (3) 521:21;522:7,11	flood (1) 616:15	functioning (2) 451:13;613:15	
family (2) 457:25;458:4	final (3) 484:17;510:14; 569:5	Florham (1) 432:3	functions (1) 605:20	
	finalized (2) 572:14,16	flows (6) 478:23;479:24; 525:25;526:21; 531:24,25	further (5) 433:11;608:12; 625:6;626:1,3	
	finally (3) 510:17;548:3;	focus (6) 499:14;510:3; 511:4;625:15,17,19	future (2) 510:13;512:5	
		focusing (4) 466:11;499:10,12, 12		
		folders (1) 605:24		
		followed (3) 566:4,4,5		
		followers (1) 483:3,5;486:7,14;		

garbage (7) 597:8;598:7,11,14; 599:9,13,14	439:16;472:13; 507:22;536:19,24	586:5 hand (3) 546:16;553:23; 562:4	583:17,21;587:3; 589:22;590:2;591:6, 7;592:10;612:13; 618:15;626:5	Holiness (1) 622:25 honorandethics@yahoo.com (3) 603:11;604:23; 605:15
garment (1) 545:6	Goldberg (1) 594:18	handle (2) 503:25;574:24	hearing (2) 583:12;589:1	hope (2) 509:8,15
garnered (1) 515:11	Goldie (3) 531:11;533:4,7	handled (2) 438:13;451:15	hearsay (2) 533:10,16	hoped (1) 611:10
Garza (1) 490:7	459:7;498:12; 503:20;511:14;	handles (3) 440:1;574:13,21	heart (3) 515:23;516:4; 549:17	hopefully (6) 502:24;508:21; 509:3,4,5;548:13
gathering (1) 596:13	512:16;523:13; 546:8;555:24;	hands (1) 614:23	held (9) 441:12,14;528:10; 553:11;557:17;	house (2) 452:10;459:2
gave (25) 436:6;444:6,7; 488:19;490:21; 491:4;529:9;531:2,4; 564:12,15;586:18; 592:13;595:7,10,16; 596:9,17;597:11,15, 18,23;609:14; 621:12,22	565:12;580:7; 583:14;585:24; 587:23;602:23	handshake (1) 470:25	577:2;594:11; 610:13;621:7	houses (1) 458:3
geared (6) 551:3,3,4,7,7,13	Gosh (1) 499:6	handshaking (1) 544:24	Heller (2) 568:21;576:21	human (11) 445:9,19;447:17; 457:12;459:4,4; 464:22;466:2;510:5, 24;511:19
general (13) 456:1,17;466:25; 467:5;472:23;478:3; 487:6,7;508:20; 520:23;571:4; 576:24;606:17	Grand (1) 476:22	happen (1) 568:24	help (6) 447:17;477:14; 511:16;566:10;	hundreds (1) 505:11
generally (5) 482:21;558:10; 578:8;584:3;592:3	granting (1) 548:14	happened (4) 567:8;589:20; 590:9;610:8	610:1;620:17	Hushmail (3) 604:17,18,20
generated (1) 505:18	great (1) 496:14	happening (2) 568:24;602:22	helped (3) 454:2,3;610:6	hydrogen (1) 497:24
generates (1) 439:8	greater (2) 520:2;526:19	hard (8) 493:1,3,6;501:8; 520:10;546:7,7; 550:24	helpful (1) 583:15	hypothesis (1) 579:25
generous (1) 626:9	green (1) 478:5	harm (5) 459:16;515:18; 518:1;519:3,10	helps (1) 477:18	hypothesized (1) 580:17
gentleman (1) 622:24	grew (1) 534:5	harnessing (1) 508:14	high (1) 470:15	I
genuine (1) 537:1	group (22) 449:14,16;462:25; 463:1,8,11,14;	hard (8) 493:1,3,6;501:8; 520:10;546:7,7; 550:24	highly (1) 496:15	
Germany (2) 457:25;459:1	499:15,18,23;500:1, 2,8;503:23,25;	harm (5) 459:16;515:18; 518:1;519:3,10	himself (3) 554:19;578:5; 620:6	
gets (2) 490:22;571:16	533:24;536:4,5,9,10; 558:7;612:16	harnessing (1) 508:14	hire (4) 455:21;504:1,1;	
given (27) 482:13;486:10,23; 487:1,4,6,7,16;488:7, 18,19,24;490:2; 491:4,12,18;494:21; 516:9,24;517:20; 536:6;542:2;591:22; 607:23;614:2,3; 615:2	groups (1) 545:12	Harold (4) 432:11;607:10; 608:19;609:1	555:13	
gives (2) 549:9,550:2	grown (1) 487:13	Harold's (1) 530:6	hired (4) 502:21;555:11;	
giving (3) 471:12;504:14; 535:1	guarded (1) 520:7	Hawn (3) 531:11;533:4,7	593:13,13	
glasses (1) 534:18	guess (16) 434:10;457:14; 473:18;481:14,16;	head (15) 459:8;464:19,24; 465:1,2;476:21;	hiring (1) 559:14	
goes (9) 438:4,11,17,25;	499:2,7;507:21; 508:10;512:12; 532:21;535:15; 543:25;569:13; 570:5;593:24	500:12;504:7; 505:11;511:3; 512:10;573:6; 585:10;595:19; 622:24	historical (2) 616:9;617:7	
	guidance (1) 434:22	headed (2) 542:16;585:25	history (1) 491:19	
	guide (1) 498:18	headquarters (1) 553:9	Hochman (31) 494:25;501:25;	
	guiding (2) 510:10;512:2	Health (5) 446:25;447:2,3,4,5	504:9,22;505:4,7,15, 20,25;506:10;507:2;	
	guy (1) 501:11	hear (3) 476:2;529:11; 599:8	5;508:8,9;522:21;	
	gynecologist (1) 527:10	heard (23) 476:20;498:8; 499:25;504:25,25;	532:16,20;536:11;	
			549:12,15,16;550:3, 9,12,22;551:6,16,22;	
			552:23;607:2;609:24	
			Hochman's (2) 536:23;551:8	
			hold (4) 546:19;547:19;	
			577:17;610:12	
			holds (2) 452:17,19	
		H		
		halfway (1)		

458:23;470:14; 478:12;493:11; 503:6;507:25; 518:19;548:22; 572:16	496:24 increases (2) 477:12;499:8	449:15;484:15 initially (1) 615:21	483:11;487:15;536:6 Intensives (1) 440:19	interviews (2) 503:14;576:18
immoral (1) 459:6	independently (2) 478:14,17	initiatives (1) 590:14	intent (3) 459:3,12;551:12	into (30) 438:11;447:6; 470:17;471:19;
implementation (1) 602:1	in-depth (1) 463:22	innocent (1) 580:11	intention (2) 459:16;546:21	472:2;473:8;481:7; 482:7;485:9;487:9;
implies (2) 527:6,7	indicate (4) 621:3;623:24;	innovate (1) 515:2	interacting (2) 493:24;526:10	489:13,16;491:1; 497:10;498:22;
import (1) 514:20	indicated (5) 624:2,17	in-person (3) 588:17,24;598:19	interchangeably (1) 440:11	500:4;510:10;512:1, 1;528:22;543:4;
importance (1) 541:1	indirectly (2) 488:21;508:11	input (6) 435:18;564:12,15, 16,16;592:21	interest (7) 450:19,22,25;	549:10;550:2,18,21;
important (21) 462:23;468:24; 471:7;475:13; 480:12,24;481:5,8; 483:1;486:15,16; 487:19,24;510:24; 516:5;537:6;538:21; 552:12;555:6; 559:13;624:20	indicating (2) 530:3;583:24	inputs (1) 564:24	interacting (2) 451:21;452:1;485:2, 6	551:14;554:14; 570:10;586:10; 592:21
impression (4) 440:21;441:9; 522:10;525:7	indicia (1) 492:12	inquired (1) 600:19	interesting (2) 511:24;538:6	introduction (2) 454:4;544:25
improper (1) 561:17	indirectly (2) 488:21;508:11	Inquiry (52) 439:6,23;441:16, 19;443:16;445:15,	interests (3) 485:1;569:14,15	intros (1) 454:3
improperly (2) 482:12;621:2	individual (1) 569:14	23;448:15,19; 452:18;457:5,8,11, 16;462:24;463:23;	interfacing (1) 529:1	invalid (4) 524:17;525:19;
inaccurate (2) 526:8;621:1	individuals (3) 499:5;533:25;	464:2,9,12,16,19,21, 25;465:9,15,20,25;	interfere (1) 585:24	527:20,24
inappropriate (1) 568:5	inductive (1) 514:16	466:3,8,12,16; 467:12;504:17;	Interfor (35) 433:9;575:13;	Invention (20) 541:10;542:7,12, 12,13,13,16,25;
inappropriately (1) 551:11	infiltrate (1) 501:9	538:22,24;539:1,3,4, 8,12;540:5;542:8,22;	576:9;577:13,16,21, 24;578:4,6,8,14,20,	547:1,3,5,11,13,17, 22;548:8,16;549:19;
inasmuch (6) 471:14;481:15; 482:2,19;502:9; 508:8	influence (1) 433:24	543:1;547:12,14,15, 18,19;549:11;550:3;	23;579:9,11,14,16; 583:3,9,25;584:2,6,	552:2;569:25
Inc (4) 442:20;554:21,23, 24	inform (1) 475:19	595:7	22;586:8;588:13,16, 21;594:5;596:16;	inventions (1) 553:8
included (3) 501:25;503:10; 566:12	information (74) 435:3;437:13;	insidious (1) 546:19	597:2;598:10,18,24;	investigate (1) 578:23
includes (3) 544:22,24;545:19	440:3;447:7;466:20;	insight (4) 535:1,3;549:10;	599:12;604:16	investigation (11) 579:16;581:21,22;
including (4) 577:25;579:13; 593:5;625:1	470:2,4,12,18; 471:11,12;481:25;	550:2	Interfor's (4) 585:12,16;594:8;	582:2,5;583:3,5;
income (7) 438:6;439:8,16; 452:4,8,9;570:6	488:23;489:13;	instances (1) 525:12	601:25	585:17,18,25;586:10
incorporate (1) 462:4	490:3;492:1,21,25;	instead (1) 527:10	internal (2) 498:17;546:10	investigator (2) 582:15,18
incorporated (1) 491:1	493:2;494:2;497:2;	instruct (1) 433:8	international (3) 445:9;541:7,16	involved (32) 437:5;438:24;
incorporates (1) 458:6	501:24;503:9;504:5;	instructions (14) 575:8;578:22;	443:22,25;449:11,	443:22;505:17;
increase (4) 477:15,15,19;	508:10;523:11;	582:4;585:15;596:4,	21;454:11;470:12,	540:13;555:13;
	526:13;528:18,25;	9,17,19,25;597:6,11, 15,19,23	23;492:16,19;	564:2,4,9,10,13;
	529:5,6,7,9,15,16,18;	integrity (2) 509:6,9	502:22;505:17;	567:22,23,24;568:1;
	530:7,22,25;531:2,4,	intellectual (1) 555:5	540:13;555:17;	569:22;570:6;
	5,17;532:25;535:4;	intelligence (1) 585:5	564:2,4,9,10,13;	576:20;585:4;
	539:7;540:23;	intelligent (1) 552:15	552:19;586:20;588:1	606:13;614:11;
	541:24;542:3;544:7;	intended (1) 546:24	625:16	617:14;620:18
	546:25;547:5;548:8;	informational (2) 555:19	Interrogatories (1) 577:6	involvement (4) 454:7;531:14;
	15,24;550:7;555:21;	intending (1) 506:23	Interrogatory (18) 577:11;586:4;	555:16;563:25
	574:14,15,21,24;	Intensive (5) 440:16;469:9;	588:10;592:2,3;	involving (1) 618:3
	583:15;586:2,19,24;		596:2,7;597:5,9,13, 17;598:16,20;	Ireland (1) 594:24
	588:4;595:16;		599:24;600:1,12;	Irreparable (4) 515:18;518:1;
	596:12;597:3;		601:22;603:7	519:3,10
	598:17;601:2,8;		interview (5) 575:13;576:8;	irreparably (1) 516:13
	602:3;612:5		581:6;618:19,20	
			interviewed (1) 618:11	

Israel (1) 585:6	joyous (1) 499:11	458:3 killer (1) 512:18	lack (1) 618:6	546:2;582:10,11; 598:18;599:7,12;
issues (7) 447:16;567:2; 573:15;575:4,6,9; 589:12	Jr (1) 608:19	killing (1) 537:21	Lama (22) 616:19;617:3,6,17, 20;618:2,16,17,23;	602:10 learned (7) 565:1;591:15; 599:15;601:10,24;
Item (1) 607:11	Judge (2) 433:15;501:8	kind (3) 435:2;444:24; 611:2	619:5,8;622:16,18, 25;623:2,8,16; 624:22;625:2,3,13;	602:2,9 learning (2) 486:4,8
items (1) 524:15	judgment (3) 517:2;546:15; 585:25	knew (3) 450:13;576:23; 584:25	626:5 lamas (1) 618:16	leased (1) 615:3
Ivy (3) 453:11;455:1; 611:20	Juval (14) 564:3;576:21; 577:22,25;583:13, 14,18,22;584:8,24; 585:1,4;586:18; 587:10	knowing (8) 493:22;510:14,17; 512:13,24;517:9; 531:16,17	Lama's (3) 621:17,17;624:12	least (7) 443:2;500:5; 502:11;513:18;
		knowledge (13) 450:1,3,17;451:19; 455:13;461:17; 463:19;476:11,13; 516:15,15;517:3; 571:18	land (1) 562:20	521:18;529:20; 548:16
		Kahler (7) 500:11,19;567:20, 22;568:1,4,8	Landmark (4) 499:25;500:4,10, 13	leave (2) 476:1;562:22
		Karen (11) 463:6,13;467:14, 20;570:18,19;571:3, 7,18;610:7;614:11	Lane (1) 432:24	lectures (1) 435:20
January (3) 559:22;603:12; 605:3	Karen's (1) 571:5	known (5) 442:19;463:2; 516:10;612:18,22	large (7) 499:15,18,23,25; 500:2,8;570:10	led (1) 507:20
Jeff (2) 594:18,18	Kathy (8) 557:1,8;560:11,13, 14,15;561:20;563:17	knows (5) 463:8,11,14; 517:21;575:10	larger (1) 472:3	left (6) 490:24;531:14; 532:4,7,9;615:14
Jersey (5) 432:3;559:13; 568:17,22,23	Keffe (36) 432:16;459:14; 460:13;463:9,13; 559:25;563:1;567:4; 568:3;574:6;575:3; 583:2,9,18,24; 584:22;585:1,11,15; 587:4;589:21;591:1; 594:17,20;595:4,18; 596:5,21,24;597:7; 598:18;599:16; 601:14,17;602:13; 604:15	Kofman (18) 432:11,11;441:21; 607:11,14;608:15, 19,23;609:1;611:6, 17,22;621:6,10; 625:6;626:1,3,11	last (17) 434:3;439:13; 450:4;478:18; 479:18;490:13; 510:21;518:3;537:9; 550:16;575:11; 577:1,18;608:25; 610:23;616:2,18	legal (15) 443:9;450:10; 459:20;557:7; 565:11;569:2;570:2; 573:15,21;574:14, 16,22;575:4,6,9
job (1) 450:12	keep (7) 461:6;495:9; 546:2;553:23; 594:25;595:4;614:8	Kristin (54) 432:15;459:14; 460:13;463:9,12; 559:25;563:1;567:4; 568:3;571:24;574:6, 20,23;575:3;583:2,9, 17,24;584:22,24; 585:1,2,3,11,15; 586:17;587:4,24; 589:9,21;591:1; 592:14;593:20; 594:17,20;595:4,7, 18,22,23;596:4,21, 24;597:7;598:17;	later (3) 446:10;601:17; 602:21	legality (1) 554:20
Joe (56)	joint (1) 484:10	599:8,16;601:14,16, 19;602:13,14,16; 604:15	Lauren (7) 453:11;455:1; 463:7,13;467:15,21; 614:10	legally (2) 566:25;567:12
438:23;555:14,17; 558:5,9,18,24; 559:12;560:20; 561:1,8,14,20;563:4, 16;567:10,11; 568:21;571:24,24; 572:3,8,13,16;573:8, 12,15;575:1;576:21; 579:17,19,20,23; 580:4,16;581:13,17, 20;582:4;587:6,9; 590:6,11,13,15,19; 591:1;593:21,23,25; 598:14;599:9,17; 601:12;602:18,23	keep (7) 461:6;495:9; 546:2;553:23; 594:25;595:4;614:8	604:15	law (6) 459:21;485:5; 520:8;547:10; 548:23;555:21	legitimately (1) 590:20
John (4) 504:8;532:20; 537:20;561:12	keeping (1) 494:1	kunterre (6) 560:20,23;561:1; 571:1;605:10;606:10	lawsuit (16) 529:21;575:14; 576:9;582:13; 600:22,24,24;601:2, 3,6,10,19;602:4,10; 620:18,23	Leonard (9) 432:17,17;433:22; 530:10;575:19; 607:18,22;611:1,10
join (1) 612:16	Keith (13) 432:4,18;441:25; 554:24;556:14; 559:3;560:21,24,24;	571:1;605:10;606:10	lawyer (1) 555:18	less (3) 435:23;541:24; 551:22
joint (1) 484:10	kept (2) 454:23;461:7	559:24;560:9; 570:15;603:11	lawyers (1) 568:20	letter (11) 482:1;530:2,6;
joke (2) 516:12;517:7	key (5) 468:22,23;528:25;		561:13	560:1,11;607:10,12; 608:1,18;609:4,7
jokes (1) 517:6	531:8,15		lay (1) 461:13	letters (3) 481:23;539:16;
Joseph (3) 433:10;555:10; 557:8	Keithraniere@yahoo.com (4) 603:19,25;605:1,6		lead (2) 546:1;555:19	592:24
journals (2) 463:25;464:3	kept (2) 454:23;461:7		leading (1) 508:9	liaison (1) 574:14
joy (6) 477:12,15,19; 499:11;510:11;512:3	key (5) 468:22,23;528:25;		learn (12) 445:13;446:5,14; 468:16;486:18;	licensed (1) 555:11
joyful (1) 503:19	531:8,15			lie (5) 457:14;458:5,5;
	kill (1)			459:14;460:9
				lied (1) 459:18
				lies (4) 458:7,7,8;459:6
				life (8)

459:4;477:13; 499:11;510:12; 512:4;546:7,13; 620:9	476:21 logical (1) 530:11 logically (3) 524:17;525:18; 527:24	457:6,9,15,17,20, 23;458:10,15,15,21, 23;459:23;460:1,6, 11	609:3;611:20 marketing (1) 486:6 martial (2) 478:6;613:2 Martin (31) 489:5,10,15;491:6; 494:25;501:25; magazine (2) 610:19,24 Mail (2) 528:24;562:15 main (2) 465:19;612:25 mainly (1) 571:5 maintains (1) 543:22 makes (6) 442:4;452:11; 514:14;518:8; 523:11;615:10 making (3) 457:12;579:24; 580:23 malintent (1) 459:10 man (1) 585:23 manage (1) 546:16 manipulated (1) 545:25 manipulation (2) 546:15,18 manner (1) 546:16 manual (7) 491:2;501:24; 503:10;527:5; 534:24,25;551:23 manuals (3) 482:10;488:12; 497:11 many (15) 436:21;445:11; 455:3;467:11; 470:20;492:25; 505:19;537:18; 545:4;558:18; 568:23,24;576:20; 590:13;606:8 March (5) 530:6;608:18; 609:4,9;611:25 lots (1) 571:16 Lowenstein (1) 432:9 lower (2) 495:10;546:3 luncheon (1) 523:18 lying (15) 594:13,16;608:20;	455:1;459:12;463:3, 9;464:4;466:4,24; 469:24;471:5; 472:10,25;476:3,15; 477:11;483:14; 484:11;485:15; 487:7;495:16;498:8; 501:17;503:2; 506:25;507:25; 512:17;516:8,22,25; 519:23,23;520:5,5; 523:4;526:15;527:8, 9,12;528:13;537:8; 539:4;541:15; 554:11;556:11; 558:4;559:18,19; 561:9;573:14; 574:16;579:21; 581:23;606:10 maybe (7) 477:22;478:3; 487:2;491:19;500:6; 575:1;605:8 McGuire (23) 432:14,14;467:23; 468:3,6;479:8,12,15; 19;530:2;558:13; 560:2;565:24; 566:19;570:2; 571:13;576:14; 578:15;583:19; 589:18;603:5; 607:10;608:1 mean (30) 434:23;435:16; 436:14;440:9; 443:24;458:8,12; 468:23;478:11,16; 484:17;488:18; 490:19;499:2;507:7; 512:17;515:5; 517:16;518:12,19; 528:17;539:22; 546:9;572:16; 576:23;587:23; 590:1;611:4;616:1; 620:13 meaning (6) 474:8;487:22; 510:7;511:21; 546:15,17 means (5) 491:15;494:14; 516:4;546:19;547:22 mean (6) 438:16,19;439:3; 581:9;601:18;622:12 measurable (1) 570:7 measure (4) 434:6,9,11,19 mechanism (2) 520:21;614:25
---	--	--	---	---

mechanisms (1) 528:19	20,25;466:9,12,17; 504:17;538:23,24;	473:1;478:19,23; 479:5,21,25;480:2,9, 11,14,16;483:19;	month (2) 590:1,2	532:2
mechanizations (1) 466:6	539:1,3,4,9,12; 540:5;542:8,11,22;	485:16;515:20; 519:7;522:5;614:7	months (2) 489:23;591:19	multitude (4) 524:16;525:17; 527:19,23
MEE (1) 584:14	543:1;547:12,14,15, 18,19;549:11	mistrust (1) 561:14	Moody (1) 584:13	must (3) 509:23;511:10; 525:8
meet (7) 494:3,12;572:8,10; 574:6,8;619:5	methodologies (1) 515:22	misuse (2) 524:25;566:11	more (38) 435:23;453:18; 461:23;472:2;	myself (13) 436:6;460:11; 463:2,3;490:5;
meeting (10) 489:23;493:18; 545:11,13;562:19; 581:13;588:17; 589:16,20;625:12	445:11;447:10; 466:5;497:1;504:18	model (12) 439:7;445:14,15, 21,23;446:6,15;	480:22;483:4,18; 486:21;490:1,19;	567:14;571:7; 572:17;580:11; 616:3,4;618:1,11
meetings (15) 447:15;545:6; 572:13;573:7; 583:25;584:2,5,9,13; 585:12;588:25; 598:19;615:21,23; 616:3	514:8	447:21,22,24;466:2; 486:3	500:12;502:13; 503:18;509:8,17;	
member (1) 502:14	Metroland (2) 586:23;596:14	models (1) 445:18	514:20;523:7;526:5; 537:9;540:19,21;	N
members (2) 536:9;545:5	Michael (13) 502:20,21,24; 529:9,12;531:1,3; 554:10;619:15; 620:1;621:12;622:8; 623:20	module (58) 453:14;454:2,22; 467:3,4,14;468:13, 16,22,23,24;469:16;	542:3;549:10,22; 550:2,7,8,21;551:14;	Naftzger (1) 561:12
memo (4) 558:4;561:19; 563:3,16	middle (2) 575:22;594:23	471:17,19,22,23,24, 25;473:10;480:18, 19,23;481:1,2,3,4,11;	552:17;567:11; 581:7;585:21;	name (14) 437:6,6;441:10;
Memorandum (4) 556:11;557:1,4,8	might (25) 440:17;453:7,10; 454:2;472:18;	482:16,17,20,25; 483:1,10,14;486:2,7, 14,17,23;487:1,14,	603:21;612:19	532:3;533:3;538:6;
memorialized (1) 539:9	476:14,21;481:21; 511:2;512:6;521:14; 522:8;526:14;544:1; 552:10;565:19;	24;488:6;500:22; 501:4,7,12;514:14;	morning (1) 594:24	545:7,12;571:6;
memorizing (1) 466:16	571:3,3;573:20; 581:16;587:10; 590:23;595:9;610:4; 621:24	522:20;544:22,23, 24;545:2,16,19,20, 21;552:5	mornings (1) 452:10	584:19;605:12;
memory (1) 436:8	mimicked (1) 504:16	modules (52) 452:18,20,22,25; 453:3,6,10,19,20,23;	Morris (9) 432:5,12;619:11, 18;623:4,8,17,24;	608:25;616:21;
mention (1) 532:15	mind (3) 576:17;579:2; 617:19	454:5,7,8,14,25; 455:6,7,15,20,25;	624:3	618:21
mentioned (17) 460:19,23,24; 530:3;557:23;567:6; 583:13;586:23; 587:1,10;601:16; 602:20;612:2; 613:17;615:18; 616:18;621:11	mindful (1) 460:7	456:1;461:18; 465:22;466:1,17,18;	Most (9) 453:16;463:2,11, 15,18;490:8,14;	named (2) 563:23;570:1
mentor (1) 447:13	minds (1) 502:12	468:25;469:3,6,8,12;	530:25;536:13	Nancy (66) 432:15;444:21;
messages (2) 529:3;530:19	mindset (1) 551:9	483:8;484:20,22;	Mostly (1) 454:10	445:8;446:2,13;
met (14) 445:8;446:1,9; 467:9;494:14; 513:18;536:8; 555:17;564:2,4; 572:12;578:1,3; 590:14	mine (2) 480:16;570:20	486:9;487:12,13,16;	motions (1) 574:17	447:14;448:1,7,10,
method (44) 439:23;441:16,19; 443:16;445:15; 457:5,8,11,11,16,18; 463:23;464:9,12,16, 19,21;465:9,16,17,	minimize (1) 620:22	488:18;521:13;	motivated (1) 552:15	24;449:12,22,24;
	minute (1) 519:1	522:7;544:25;548:5, 6,11,12,13;549:11;	motivation (9) 486:4,8,16,18,19;	453:11;454:25;
	minutes (2) 591:23;608:5	552:4,8,20;553:5	489:12;500:24;	455:1,12,21,23;
	misconstruance (1) 626:6	Moe (3) 620:8;622:14;	614:6;623:22	459:14;463:3,12;
	mislead (1) 527:9	623:21	Motivational (4) 486:2,3;489:7,17	465:19;466:15;
	misleading (2) 527:12;528:13	moment (1) 474:25	motivations (3) 623:11,13,14	467:1,7,20;490:6,7;
	misleads (1) 526:9	monastery (1) 584:8	move (4) 546:16,21;595:2, 13	513:22;554:24;
	Mission (20) 441:4,10;468:17;	money (19) 438:11,25;448:13, 24;449:5,6;450:11;	movie (4) 517:10,11,13,13	555:21;558:5;
		452:13;456:10,13, 16;474:21,23,24;	much (21) 443:9;460:11;	559:24;561:21,22;
		502:24;503:20;	472:1;480:22;	562:2;563:1,4,18;
		507:2;595:23;625:2	483:17;497:23;	566:17,22;567:3;
		monies (2) 456:18,21	536:6;549:17,25;	569:13;572:14,17;
		monks (1) 622:21	568:11;569:2;571:6;	574:20;580:11;
			575:23;582:7,14;	593:20;594:24;
			587:15;595:22;	596:4,21,23;597:7;
			602:17,23;620:20;	598:17;599:20;
			626:11	604:17;607:8;
			multifaceted (1)	614:10;615:19,21,
				21;616:3,4;618:11;
				623:1
				Nancy's (1) 452:10
				Natalie (1) 616:14
				National (4) 446:25;447:1,3,4
				natural (1) 536:15
				nature (11) 469:20;470:16,22;
				471:3;472:20;473:2;
				488:15;563:24;

NXIVM CORPORATION v.

MORRIS SUTTON

564:16;566:8;579:22	456:24;543:1; 598:23	514:3,7;516:3;518:1, 4,5,8,8;519:4,6,13, 15,18;520:6;521:12, 14,16;522:4,9; 524:24;525:15; 526:1;529:14;530:8, 14;534:10,10,17; 536:25;537:1; 548:20;550:4,6; 552:16,19,20;553:9, 12;554:16,22; 555:11,22;558:6; 559:5;560:1;562:22; 569:3,19,22;570:7, 22;571:22;573:17; 574:12,18;575:12; 576:8;577:6;578:4; 588:13;591:3; 592:15;593:8,16; 595:8,20;596:20; 597:2;598:9;600:16; 603:1;607:6,7,15,21, 22,25;609:21,24; 611:18;612:9,16; 613:9,13,25;615:2,8, 10;618:4;621:22; 623:5;624:4;625:1	Object (11) 501:15;558:11,13; 571:13;576:15; 583:19;589:18; 590:17;603:4; 606:19;618:5 objected (1) 590:15 Objection (3) 441:21;543:15; 584:14 objective (1) 497:21 objectives (1) 503:17 observations (1) 536:24 observed (3) 474:5;489:23; 493:23 obtain (3) 597:3;598:10; 621:20 obtained (2) 596:12;598:7 obtaining (2) 580:25;598:13 obvious (2) 498:9,10 obviously (1) 564:25 occasion (2) 578:11;606:4 occasions (1) 573:10 October (1) 563:16 Odin (3) 610:11;611:19,24 off (19) 459:8;460:18; 467:4;500:12;504:7; 505:10;511:3; 512:10;528:10; 556:8;557:17;573:6; 577:2;585:9;587:25; 594:11;595:19; 610:13;621:7 offer (2) 504:9,10 offered (1) 440:18 offers (3) 503:9,12;504:4 offhand (1) 579:4 office (20) 462:9;483:15; 492:14;495:23; 520:13;521:3,9; 522:13,22;523:9; 540:24;542:1,2; 543:17,22;552:21;	553:9;576:22;599:10 officer (1) 448:21 offices (1) 585:13 offsite (3) 490:4;492:24; 493:12 often (4) 496:25;567:1; 571:12,15 O'Hara (55) 433:10;438:23; 555:10,14,17;557:8; 558:5,7,9,18,25; 560:20;561:1,8,14, 20;562:15;563:4,12, 16;567:10;568:21; 572:8,13;573:8,12, 15;576:21;579:17, 19,20,23;580:4; 581:14,20;582:4,9; 587:6,9;590:6,11,13, 15,20;591:1;593:21; 598:14;599:17; 600:2,4,13,19; 601:12;602:18,25 old (2) 610:3,6 older (1) 478:16 Olsen (2) 540:12;609:18 omelettes (1) 452:11 omit (1) 600:1 once (9) 475:24;483:6; 488:6;509:24; 511:11;513:19,22; 540:16;572:4 one (62) 438:23;447:23; 448:3;453:19;454:3; 455:16;457:20; 458:18;462:11; 463:3,6;468:24; 469:2,6,8;472:1; 473:20;483:24; 485:16;486:9,15; 487:16;488:9; 502:25;503:5;510:8, 21;511:22,25;513:2; 529:13,14;534:1; 541:20;558:24; 559:12;562:18; 563:14;564:6; 567:19;568:1,20; 573:21;580:21; 581:3,24,25;598:3; 602:25;604:24,25; 606:14;612:3;
Nazi (4)	Note (1) 556:14 notes (19) 467:7,16,20; 483:11,12,13; 488:12,13;490:24, 25;491:1,3,3,3; 553:1,6,6;607:1; 613:19 notice (3) 539:25;554:16; 594:23 notion (2) 458:6;581:12 November (4) 560:25;561:15,19; 604:15 Number (36) 474:16;478:12; 485:19,21;512:22; 521:16,19;528:19; 540:7,8;549:7; 563:15;572:6; 577:12;579:18; 582:25;586:4;592:3, 3;596:2,7;597:5,9, 14,17;598:16,21; 599:24;600:1,20; 601:22;603:7; 607:11;618:12; 621:9;622:21 Numerous (2) 579:7;614:19 NXIVM (192) 432:5,15;433:6,12; 439:16,21;440:6,7,9, 10,14;441:13; 442:19;443:23; 444:3,10,12,20; 445:2,5;446:6,11; 447:2,11;449:25; 450:5,19;451:17,22; 452:5;456:8,11; 459:16;461:17,22; 462:1;466:11; 467:12;469:3,12,14, 17;470:22;475:2,14, 19,21,24;476:20; 477:5,14;478:15,17, 23;479:24;480:4,6,6, 13;482:18;483:23; 484:21,23;485:1; 490:6;494:6;495:19, 21;499:10,18; 500:22;501:6,12,20, 23;502:1,17,22; 503:8,11;504:6,18, 22;505:1;506:9,14; 507:1,4,6,11,16; 508:1,14,17,21,22; 509:12,16;513:13;	NXIVM/ESP (1) 447:4 NXIVM-affiliated (1) 452:2 NXIVM's (46) 458:10,20;462:20, 21;463:12;465:21; 466:1;476:5,7,9,12, 15;477:9,20,22; 480:25;487:20; 496:7;498:25; 500:14,17;505:14; 516:6;517:17; 519:12;521:9;523:8; 524:25;526:22; 527:5,13;528:14; 538:13;549:11,12; 550:8,9,18,21,23; 551:10,14;563:18; 564:4;569:15;593:18 NXR00079 (1) 594:12 O	October (1) 563:16 Odin (3) 610:11;611:19,24 off (19) 459:8;460:18; 467:4;500:12;504:7; 505:10;511:3; 512:10;528:10; 556:8;557:17;573:6; 577:2;585:9;587:25; 594:11;595:19; 610:13;621:7 offer (2) 504:9,10 offered (1) 440:18 offers (3) 503:9,12;504:4 offhand (1) 579:4 office (20) 462:9;483:15; 492:14;495:23; 520:13;521:3,9; 522:13,22;523:9; 540:24;542:1,2; 543:17,22;552:21;	578:11;606:4 573:10 October (1) 563:16 Odin (3) 610:11;611:19,24 off (19) 459:8;460:18; 467:4;500:12;504:7; 505:10;511:3; 512:10;528:10; 556:8;557:17;573:6; 577:2;585:9;587:25; 594:11;595:19; 610:13;621:7 offer (2) 504:9,10 offered (1) 440:18 offers (3) 503:9,12;504:4 offhand (1) 579:4 office (20) 462:9;483:15; 492:14;495:23; 520:13;521:3,9; 522:13,22;523:9; 540:24;542:1,2; 543:17,22;552:21;
None (4)	oath (6) 432:25;459:15,18, 23;460:1;524:7	520:13;521:3,9; 522:13,22;523:9; 540:24;542:1,2; 543:17,22;552:21;	529:13,14;534:1; 541:20;558:24; 559:12;562:18; 563:14;564:6; 567:19;568:1,20; 573:21;580:21; 581:3,24,25;598:3; 602:25;604:24,25; 606:14;612:3;	
nor (3)				

613:17;616:9; 617:21;618:15; 621:17;622:5,16; 625:9;626:1	452:24;501:4; 514:8,9,14,18;515:8, 14;517:25;519:2; 525:8;537:15;552:9, 10,12;613:14	overall (1) 471:20 overview (1) 461:10 own (8) 436:10;448:11; 452:1;476:8;518:6; 546:20;576:17;598:3	533:18;534:16; 536:2,19;537:10; 543:6,24;544:20; 577:14,19;586:6; 594:23	14,16,19;475:8; 538:23;539:2,16,24; 540:4,10,23;541:2, 25;542:2,14,25; 543:13,16,16,17,21; 544:3,5;547:7; 548:14,21,23; 549:12,14,18,19,20; 550:4,6,10,23;551:1, 15,18;552:18;553:4, 21
One-page (1) 521:3 ones (4) 453:25;478:16; 603:21;606:9	orders (4) 515:13;517:20; 551:23,25 organization (19) 447:4;476:23; 477:11,18;499:19, 24;501:10;514:11, 23,25;515:6,10,11, 15;529:1;534:4; 536:20;616:21;625:3	owned (1) 448:9 owner (4) 455:9,10,13; 543:14 ownership (2) 450:19;451:21 owns (4) 441:5,19;448:10; 455:5	Parasite (8) 495:9;496:13,22; 545:22,23;546:2,5, 14 parasite/ (1) 545:19	patentable (2) 539:5,7 patented (1) 547:3 patenting (2) 539:2;550:14
only (41) 450:22;451:7; 454:24;463:3; 466:11;467:13; 472:4,16;475:23; 488:10;490:4; 491:19;492:5; 501:20;504:18; 507:17;514:18; 515:12;526:11,12; 527:4;533:25;535:7; 548:20;553:4;558:1; 560:24;564:1; 576:20;591:15; 596:8;597:10; 601:24;602:4; 604:11,24,25;610:9; 613:18,24;616:4	organizations (3) 478:2,6;545:5 organized (1) 552:6 original (2) 540:19;544:9 originally (4) 438:23;451:9; 544:5;626:5 originated (2) 531:1;532:10 others (16) 466:18;495:8,10; 496:19;500:9; 510:25;511:8;513:7; 546:1,3,14;551:3; 560:10;601:24; 603:21;625:17 otherwise (4) 519:9;543:18; 562:14;604:8 out (23) 438:9,10;444:9; 451:11;460:8; 471:12;507:24,25; 508:2;518:17;525:9; 526:13;562:12; 570:9;586:24; 591:13;600:21,23; 606:1;610:8;620:20, 21;624:21 opinions (3) 433:15;527:8,8 opposed (2) 514:16;523:8 opposing (1) 529:14 optimistic (1) 512:8 oral (2) 454:20,21 orally (2) 466:21,25 oranges (1) 549:22 orchestrate (1) 481:24 order (16)	P P000000685 (2) 539:16;540:7 P000000711 (1) 540:9 P000000768 (1) 540:7 P760 (1) 543:7 pack (8) 528:25;529:5,9,15; 530:7,22;531:2,4 packs (4) 529:6,19;530:25; 531:5 Page (21) 442:3,11;540:8; 541:9;542:15;543:3; 544:19;545:14; 547:17,24;548:4; 551:24;563:17; 575:18,22,23;577:7, 10,11,19;602:6 paid (9) 438:14,16;451:4,5, 7,10,11,24;595:22 pair (1) 510:14 paperwork (1) 574:15 Paragraph (44) 442:18;444:25; 445:7;447:21;468:8, 11;478:19;479:9,11; 485:23;487:11; 488:17;489:20,21; 490:21;491:11; 493:17;514:5;515:5, 17,17;519:11; 524:12,14,22; 525:13;526:25; 527:17;528:24; 530:23;531:6,23;	Part (22) 445:17;447:23; 456:19,20;462:5; 472:24;480:8; 489:10;494:5; 508:16,22;515:12; 520:19;526:2,3; 534:3;542:12; 589:12;598:20; 612:10;615:2;617:25 partial (1) 603:10 participant (1) 536:10 participants (2) 534:2;536:4 participate (3) 453:22;594:1; 620:16 participated (1) 585:12 participation (2) 566:20;625:18 particular (5) 447:24;482:9; 523:2;559:10;582:12 parties (2) 432:10;554:14 parts (5) 447:23;471:18; 485:4;540:17;542:13 passage (2) 498:20,21 passages (6) 495:11;515:23; 516:8,22;517:1,2 passed (1) 529:16 past (3) 534:4,7;578:11 patent (49) 438:8;439:20,23; 440:5,6;441:12,14,	patient (1) 624:15 patterns (1) 545:23 Paul (2) 491:6;504:8 pay (3) 503:20;504:12; 625:2 payable (1) 439:17 paying (3) 435:22;436:2; 586:3 pays (1) 456:19 peer-reviewed (2) 463:25;464:3 pending (4) 548:23;575:14; 576:9;600:24 people (100) 434:12,24;436:19; 445:10,12;447:5; 449:14,16;453:9,12; 454:24;455:2; 458:16;462:19,25; 463:4,5,16,16,17,20; 467:11,13;469:22; 475:9,10;476:24,25; 477:2,11,14,18; 482:21;486:8;487:2; 488:11,20;490:4; 491:19;493:14,24; 494:3;495:9;496:24; 497:5;498:6;501:9; 502:9;503:16,18,19, 19;504:9,11,12,13; 505:1,8,9,11,13,17, 19,24;506:12,14,20, 25;507:10,25;
	614:8			

NAVMCORPORATION v. MORRIS SUTTON	Peter (5) 432:8;532:5; 560:2;614:16;615:6 petition (1) 572:19 petitioning (1) 572:2 philosophical (5) 444:6,23;445:1,3,4 phone (7) 473:4;532:9; 581:4,4,9,9,12 phrase (2) 515:5;537:11 phrased (1) 514:19 pi (1) 465:4 pick (1) 562:23 picked (1) 599:10 picture (1) 444:10 Pictures (5) 470:6;589:3,4,5,6 piece (1) 448:3 pieces (2) 473:7;551:13 place (8) 554:25;581:14; 582:2;591:20; 598:22;599:2; 600:25;617:3 placed (3) 519:7,13;552:19 placing (1) 519:18 plaintiff (3) 570:1,11,13 plan (3) 559:4,5;599:24 plan' (1) 601:23 planning (2) 617:14,23 plans (2) 572:14,16 plastic (3) 526:11,14;527:11 play (2) 546:18;571:21 please (9) 432:6;528:7,9; 545:14;578:16; 600:5,14;608:2,17 plot (1) 517:14 pm (1) 626:16 point (50) 440:10;444:2,10;	445:17,24;468:17; 474:13;478:19,23; 479:5,21,25;480:1,9, 14,15;483:24; 485:16;489:6;513:5; 515:15,20;519:7; 523:18;544:8;549:4; 552:5,5;556:9; 557:18;558:24; 559:12;564:7; 567:19;568:1; 573:22;580:21; 581:3;582:22;586:6; 592:13;593:15; 599:8;601:17; 602:21,21;608:7; 617:5,10,21 points (2) 595:1,4 population (1) 538:19 portion (14) 471:22,23,25; 472:4,4,9;481:16; 482:17,19;483:6; 486:3,17;492:5; 543:12 portions (4) 483:18;488:22,25; 489:2 position (5) 467:24;525:5; 553:12,13;570:22 positive (10) 449:19;452:21; 489:5;513:3;540:12; 541:14,22;546:15; 551:4;592:13 positively (1) 551:9 possession (5) 482:7;607:4,5; 609:17,22 possible (6) 433:4;501:19; 510:13;512:5; 527:22;548:19 possibly (8) 444:21;472:3; 490:8,14;534:21; 549:17;602:20;611:3 posted (4) 515:19;522:22; 523:1,3 posting (3) 504:22;506:9; 516:3 postulates (1) 498:17 potential (5) 445:10;473:11; 527:9;590:22;612:17 potentially (4)	505:10;535:3; 599:18;626:7 power (7) 508:15;510:4,5,12; 511:18,19;512:3 PR (4) 505:18;592:10,17; 620:11 practice (4) 447:19;471:23; 487:22;615:10 practiced (1) 470:20 practices (1) 480:20 precise (1) 542:21 precisely (2) 478:25;490:16 precision (1) 541:1 Pre-emptive (1) 536:3 prefer (1) 570:8 prepare (1) 539:11 prepared (2) 587:11;597:22 presence (1) 467:7 present (7) 498:1;542:7,20; 553:11;603:13; 605:3;622:13 presented (2) 498:23;551:21 presents (2) 542:9,11 President (2) 449:24;490:6 press (2) 531:12;533:6 presumably (1) 592:16 pretty (6) 437:1;532:19; 571:6;589:25; 602:14,17 prevent (1) 433:25 previous (1) 607:15 previously (2) 441:22;524:6 primarily (2) 454:11;464:25 primary (1) 574:10 Principal (3) 531:9;532:4; 554:25 principle (3)	478:20;479:6,22 Principles (33) 436:25;437:9,12; 17;438:4,5,11; 439:21;440:1,22; 441:8,13,15;443:7, 12,14,15,18,19; 450:5;451:1,22; 452:15;455:14; 478:21;479:6,22; 480:3,3,5;485:18; 553:15;554:23 print (1) 606:1 printed (2) 491:7;508:4 printout (1) 521:8 prints (2) 507:22;508:10 prior (8) 436:23;461:1; 506:5;529:24; 553:17;563:23; 606:25;607:24 private (8) 470:2,4;487:9; 489:14;549:23,25; 581:20;582:2 privilege (1) 565:25 privileges (1) 433:17 privy (1) 476:24 probably (21) 453:21;466:6; 500:4;507:11;508:2; 517:7;541:17;560:6, 7,22;570:13;574:20; 585:2;586:2;593:20, 23,25;599:5;605:6; 614:11;619:2 problematic (1) 512:17 problems (5) 444:8;447:18; 535:16;564:8;579:7 procedures (1) 522:1 proceed (2) 573:12;594:2 proceedings (1) 459:21 process (7) 453:23;454:7; 472:17;482:21; 489:25;494:18; 516:11 produce (3) 530:21;592:13; 611:1 produced (6)
-------------------------------------	---	---	--	--

529:21;530:16,20; 540:6,595:22,24	519:13;520:11; 549:15;555:6; 564:17,22,24; 566:11,22;569:24,25	publication (3) 519:22;526:22; 544:11 publicity (1) 618:3 publicly (6) 519:9;520:15; 521:22;611:9;622:1, 8 publish (12) 519:24,25;525:4,8, 10,13,23,24;526:1,7, 11;535:13 published (19) 463:24;464:2,4,6; 482:20;488:22,24; 489:1,3;520:5;525:3; 526:17;531:18; 544:10;610:24,25; 611:12;623:5,25 publishing (2) 519:21;527:3 Puerto (1) 563:19 punch (1) 516:12 punishment (1) 498:15 purported (1) 433:9 purpose (8) 474:7;476:23; 545:1,20;551:4; 553:7;599:25;616:6 purposes (1) 481:16 Pursuant (1) 457:16 pursue (2) 549:15;564:21 pursued (1) 564:23 purview (2) 469:4;553:4 put (20) 433:4;439:25; 440:3;448:13,24; 449:6;459:5;484:16; 491:7;502:11;525:4; 529:7;542:20,23; 553:24;582:2;601:5; 608:3,24;616:20 provided (6) 448:3,5;540:23; 548:7,12,13 provides (1) 550:21 providing (1) 550:18 psychiatrist (3) 489:12;527:5; 532:22 psychologists (1) 436:16 psycho-physical (1) 486:3 public (24) 461:23;487:6,8; 495:23;496:3,6,9; 497:19;518:6,9; 520:25;521:4;525:7; 537:23;543:17,22; 544:7;547:8;549:1; 612:6,14;613:13;	quickly (1) 552:18 quite (4) 439:18;589:23; 611:5;622:4 quote (25) 495:6,7;497:4,5; 498:2,2,15,16; 509:22;511:17,24; 512:8,24;513:2,4; 533:22;534:15; 535:5,19,20,23; 537:1;538:2,10,16 quoted (2) 522:20;551:25 quotes (7) 494:24;495:1; 509:19,21;510:20, 22;513:6 quoting (3) 479:16,17;551:23	556:16;559:2 Raniere-23 (2) 556:18;559:21 Raniere-24 (2) 556:21;560:17 Raniere-25 (2) 556:24;560:25 Raniere-26 (2) 557:3;561:19 Raniere-27 (2) 557:6;563:3 Raniere-28 (2) 557:10;563:15 Raniere-29 (2) 594:14,16 Raniere-30 (3) 608:17,21;609:3 Raniere-31 (2) 611:18,21 Raniere's (2) 479:17;577:5 rank (3) 470:15;472:19; 612:19 ranking (1) 478:4 ranks (3) 472:23;478:9; 613:1 rare (1) 460:10 rather (5) 439:21;448:16; 495:14;524:24;571:9 Rational (53) 439:6,23;441:16, 19;443:16;445:15, 23;448:15,19; 452:18;457:5,8,11, 16;462:24;463:23; 464:2,9,12,16,19,21, 25;465:8,15,20,25; 466:3,8,12,16; 467:12;504:17; 536:16;538:22,24; 539:1,3,4,8,12; 540:5;542:8,21; 543:1;547:12,14,15, 17,19;549:10;550:3; 595:7 Re (1) 559:22 reached (2) 433:5;451:10 read (55) 435:6,10;460:12, 15;468:19;474:6; 486:12;490:11; 494:24;495:2; 509:19;510:2;513:6; 516:7;517:1,1; 524:19;528:3,8,11; 531:21;534:13,19;
producer (1) 545:20 producer's (1) 546:10 product (4) 433:17;484:17; 557:7;609:15 production (3) 506:5,6;530:1 professional (1) 545:9 professions (1) 545:8 professor (2) 527:6;532:22 profit (1) 451:14 profitable (1) 451:18 profits (7) 451:6,8,11,17,21, 23,24 program (8) 444:16;468:12; 494:1,14;499:13,13; 509:8;534:8 programming (3) 513:23,25;514:1 Programs (25) 439:24;440:25; 441:1;442:20,23,25; 443:23;444:2,17; 455:14;465:3;469:3, 5;483:25;500:5; 503:4,16;510:2; 511:4;521:15;522:9; 554:21,24;555:22; 614:8 project (1) 465:5 projection (3) 585:4,20;586:1 projective (13) 490:2,25;491:9,13, 18,23;492:4,17; 494:22;613:22; 614:4,14,17 projects (1) 529:14 promoted (2) 489:24;493:21 promotion (2) 470:3;494:12 proof (1) 533:23 proper (1) 590:25 property (22) 470:2,4;482:11,13, 14,15;487:9;489:14; 490:18;497:14,23;	519:13;520:11; 549:15;555:6; 564:17,22,24; 566:11,22;569:24,25 propose (4) 580:19,24;588:21; 591:2 Proposed (5) 558:5;559:4; 590:4,11,13 proposing (1) 590:7 proprietary (5) 461:19;465:13; 469:14;495:20; 498:24 propriety (3) 575:12;576:3,7 prospective (3) 613:4,8,9 protect (11) 458:11;520:1; 545:25;549:19,21, 23,24;551:2,3,10,19 protected (3) 522:11;564:23,25 protection (6) 475:7;497:20,23; 543:14;551:5;585:3 protocol (1) 492:17 prove (1) 536:12 provide (13) 448:1;487:8; 488:14;489:16; 497:10;520:14; 528:22;546:25; 547:4;548:13; 551:19;555:20; 578:22 provided (6) 448:3,5;540:23; 548:7,12,13 provides (1) 550:21 providing (1) 550:18 psychiatrist (3) 489:12;527:5; 532:22 psychologists (1) 436:16 psycho-physical (1) 486:3 public (24) 461:23;487:6,8; 495:23;496:3,6,9; 497:19;518:6,9; 520:25;521:4;525:7; 537:23;543:17,22; 544:7;547:8;549:1; 612:6,14;613:13;	publication (3) 519:22;526:22; 544:11 publicity (1) 618:3 publicly (6) 519:9;520:15; 521:22;611:9;622:1, 8 publish (12) 519:24,25;525:4,8, 10,13,23,24;526:1,7, 11;535:13 published (19) 463:24;464:2,4,6; 482:20;488:22,24; 489:1,3;520:5;525:3; 526:17;531:18; 544:10;610:24,25; 611:12;623:5,25 publishing (2) 519:21;527:3 Puerto (1) 563:19 punch (1) 516:12 punishment (1) 498:15 purported (1) 433:9 purpose (8) 474:7;476:23; 545:1,20;551:4; 553:7;599:25;616:6 purposes (1) 481:16 Pursuant (1) 457:16 pursue (2) 549:15;564:21 pursued (1) 564:23 purview (2) 469:4;553:4 put (20) 433:4;439:25; 440:3;448:13,24; 449:6;459:5;484:16; 491:7;502:11;525:4; 529:7;542:20,23; 553:24;582:2;601:5; 608:3,24;616:20 provided (6) 448:3,5;540:23; 548:7,12,13 provides (1) 550:21 providing (1) 550:18 psychiatrist (3) 489:12;527:5; 532:22 psychologists (1) 436:16 psycho-physical (1) 486:3 public (24) 461:23;487:6,8; 495:23;496:3,6,9; 497:19;518:6,9; 520:25;521:4;525:7; 537:23;543:17,22; 544:7;547:8;549:1; 612:6,14;613:13;	quickly (1) 552:18 quite (4) 439:18;589:23; 611:5;622:4 quote (25) 495:6,7;497:4,5; 498:2,2,15,16; 509:22;511:17,24; 512:8,24;513:2,4; 533:22;534:15; 535:5,19,20,23; 537:1;538:2,10,16 quoted (2) 522:20;551:25 quotes (7) 494:24;495:1; 509:19,21;510:20, 22;513:6 quoting (3) 479:16,17;551:23	556:16;559:2 Raniere-23 (2) 556:18;559:21 Raniere-24 (2) 556:21;560:17 Raniere-25 (2) 556:24;560:25 Raniere-26 (2) 557:3;561:19 Raniere-27 (2) 557:6;563:3 Raniere-28 (2) 557:10;563:15 Raniere-29 (2) 594:14,16 Raniere-30 (3) 608:17,21;609:3 Raniere-31 (2) 611:18,21 Raniere's (2) 479:17;577:5 rank (3) 470:15;472:19; 612:19 ranking (1) 478:4 ranks (3) 472:23;478:9; 613:1 rare (1) 460:10 rather (5) 439:21;448:16; 495:14;524:24;571:9 Rational (53) 439:6,23;441:16, 19;443:16;445:15, 23;448:15,19; 452:18;457:5,8,11, 16;462:24;463:23; 464:2,9,12,16,19,21, 25;465:8,15,20,25; 466:3,8,12,16; 467:12;504:17; 536:16;538:22,24; 539:1,3,4,8,12; 540:5;542:8,21; 543:1;547:12,14,15, 17,19;549:10;550:3; 595:7 Re (1) 559:22 reached (2) 433:5;451:10 read (55) 435:6,10;460:12, 15;468:19;474:6; 486:12;490:11; 494:24;495:2; 509:19;510:2;513:6; 516:7;517:1,1; 524:19;528:3,8,11; 531:21;534:13,19;
producer - read (646)	FITZSIMMONS REPORTING (973) 994-3510	Min-U-Script®		

25:536:21;542:9; 543:4;544:17,20; 545:15;546:24; 547:9;548:6;552:4; 553:2;560:6,8,13; 561:10;571:3,3,5,15; 575:17,23;578:15, 17;588:9;591:9,10, 12,25;600:12; 601:18;602:12	23,24;562:1,14; 563:6,20;571:1; 584:4;593:7;594:13; 603:23;604:2; 608:20;611:20	referenced (1) 508:8 references (1) 551:24 referred (4) 439:16;483:16 receiving (8) 456:21;560:5; 562:6;563:11; 572:23,25;573:3; 588:12	497:18;518:24; 548:24;612:6 releasing (1) 497:21 relevance (1) 623:7 relevant (1) 611:3 religious (1) 619:19 remain (1) 546:12 remained (1) 544:6	representatives (5) 618:24;619:8; 621:17;622:17; 624:13 represented (1) 596:15 representing (2) 432:15;572:1 represents (3) 486:17;498:21; 554:22
reader (6) 546:25;547:4,6; 548:7,15,17	recent (1) 589:25	reflect (2) 467:19;510:24	remember (28) 434:7,13;435:17; 517:19;561:9;562:6;	reproduction (3) 543:15;544:2,14
readers (1) 535:3	recently (3) 589:23;602:14; 613:7	reflected (1) 514:22	remembered (1) 563:13	reputation (3) 532:13;533:9; 563:5
reading (7) 479:8,10,12; 525:16;532:10; 591:15;602:16	recess (7) 474:14;523:18;	reflecting (1) 466:16	request (15) 467:20,22;506:7; 529:23;530:13,17;	request (15) 467:20,22;506:7; 529:23;530:13,17;
reads (2) 554:19;571:2	549:5;556:10; 557:19;582:23;608:8	refurbished (1) 610:4	596:10,24;597:12, 16,19;602:2;607:25;	requested (3) 506:5;609:11; 610:18
reaffirming (1) 489:24	recipient (4) 437:21,22,25; 438:1	regard (1) 546:13	608:4;609:7	requests (10) 596:3,9,19;597:6, 11,15,18;607:15,24;
reality (1) 457:14	Recitation (1) 473:1	regarding (3) 569:4;577:13; 606:6	removal (2) 470:8,9	609:8
really (8) 443:17;444:15; 517:16;575:22; 578:5;579:24; 593:12;599:4	reciting (1) 545:13	register (1) 520:19	render (1) 527:8	require (1) 545:5
reason (8) 459:20;461:22; 507:18;558:19; 561:6;562:8,11; 579:6	recognize (6) 509:20;510:20,23, 25;539:20;559:16	registered (8) 483:15;492:10,14; 493:5;495:22; 520:13,24;521:10	Renewal (1) 563:5	required (1) 600:3
reasons (2) 505:2;602:25	recommend (1) 581:20	registration (1) 563:19	rep (1) 574:11	requirement (1) 606:17
reassigned (1) 441:13	reconstruct (1) 472:7	reject (1) 620:3	repeat (2) 479:4;534:16	requires (3) 489:22;493:18; 494:6
recall (27) 436:21,22,24; 460:18;508:6,7; 518:18;560:5; 566:15;572:13,23, 25;573:2,11,16; 575:15;579:9; 582:17,19;583:8; 584:21,24,25; 588:12;601:11; 608:25;613:20	reconstructed (1) 504:16	relate (1) 505:4	rephrase (1) 503:7	research (15) 435:13;438:15;
receive (14) 456:10,13,16,17, 24;558:10,16,17,18, 20;561:7;562:9; 603:20;614:16	record (31) 433:4;441:24; 467:19;524:4; 528:10;529:24; 531:17;540:3;543:4; 544:20;545:15; 557:12,17,21;572:5; 576:6,14;577:2,4; 580:22;581:3; 583:24;594:11; 608:3,10,25;609:9; 610:13;616:7,8; 621:7	related (9) 464:18,25;516:22; 532:13;540:5; 548:23;606:18,22; 625:22	report (26) 433:9;434:21; 489:5,10,12;491:8; 508:8,9;537:22;	439:5;463:22,24;
received (41) 484:13,13;506:5; 521:4;529:3;530:7; 539:17;554:2;556:6, 12,15,18,21,24; 557:2,5,9;558:2,8; 559:9,17,18,19; 560:6,12;561:3,10,	RECROSS-EXAMINATION (1) 625:11	relates (1) 530:8	549:15,16;584:1,1; 586:9,16,25;587:1,9, 11,14,17,21,22,25; 588:3;591:23	464:1,3,10,11,18,20;
REDIRECT (2) 608:23;626:3	recruited (1) 574:10	relating (31) 439:5;446:17; 462:10,24;464:2,11, 16;465:4;466:2; 469:23;486:25; 493:25;496:15,22; 505:2;518:21;532:1, 13;558:23;561:11;	Report' (1) 586:9	473:24;575:4,6,9
re-engineer (1) 535:21	refer (2) 447:21;569:18	relationship (6) 447:1;496:12; 583:13;585:23; 592:12;615:8	reporter (4) 528:12;554:7; 556:3;578:18	reserve (1) 433:12
refer (2) 447:21;569:18	release (3) 461:23;518:20,22	release (3) 461:23;518:20,22	reports (4) 434:23;505:1; 531:15;584:4	reserves (1) 543:18
refer (2) 447:21;569:18	released (8) 476:3;496:3,6,9;	released (8) 476:3;496:3,6,9;	represent (7) 432:7,9,12;536:7; 540:3;571:22;609:1	residence (2) 554:24,25
refer (2) 447:21;569:18			representation (1) 533:8	residing (1) 432:23
refer (2) 447:21;569:18			representations (2) 580:23;581:1	resign (1) 603:1
refer (2) 447:21;569:18			representative (2) 618:10;622:19	resolved (1) 620:6
refer (2) 447:21;569:18				resources (2) 499:10,14
refer (2) 447:21;569:18				respect (16) 433:13;435:18;
refer (2) 447:21;569:18				447:7;452:13;
refer (2) 447:21;569:18				462:11;467:12;
refer (2) 447:21;569:18				484:19;541:3;
refer (2) 447:21;569:18				554:21;568:7;

579:19;590:16; 592:22;600:13; 604:4;610:17 respond (1) 597:25 response (20) 577:11,14,19; 586:4;588:9;592:2,5; 596:2,7;597:9,13,16; 598:3,20;600:1; 601:22;603:9;612:3; 613:17;624:13 Responses (5) 577:5,10;592:14; 595:10;597:25 responsibility (4) 481:20;508:18; 620:21,23 responsible (3) 617:23;623:4,25 responsive (6) 596:9;597:12,16; 19;602:2;610:10 rest (4) 447:24;488:11,12; 498:11 restricted (1) 454:8 result (1) 536:9 results (2) 435:13;533:24 resumed (1) 524:7 retain (6) 435:9;436:1,4; 606:5,17;616:11 retained (4) 581:21;583:18,22; 593:16 retainer (1) 609:19 retention (20) 434:5,6,9,11,18,19, 21;435:3,5,7,14,17, 23;436:5,5,7,11,14, 17;592:18 return (4) 615:4,6,11,15 reveal (3) 482:24;515:21; 527:24 revealed (2) 519:3;551:15 revealing (2) 517:25;537:9 reveals (2) 516:4;550:8 revelation (1) 528:20 revelations (3) 527:13;528:14,16 revelatory (1)	523:7 reverse (8) 472:7,17;504:16; 535:16,18,21,23; 536:1 review (7) 453:15,18;520:15; 540:16;541:17; 573:17,25 reviewed (6) 453:19,21;540:17, 18;541:12,12 Rick (56) 459:10,12,15; 488:19;491:4;502:4, 5,19,20;503:1,12,22, 23;504:1,3;529:8,15; 531:2,4,17;532:10; 575:13;576:8;577:5, 13;578:24;579:23; 580:5,6,7,8,9,15,20, 22;581:4,10,13,17,18; 582:6;583:18;593:9; 601:7;603:3;625:22 Rico (1) 563:19 rid (1) 545:22 right (45) 442:10,16;450:6; 451:22;460:18; 461:9;462:20;472:9; 478:24;480:13; 481:19;489:22; 494:5,7;506:16,18; 513:8,23;518:7; 519:12,22;520:3; 526:21,23;533:16; 540:8;542:17; 543:23;544:15; 547:16,25;548:2,3,9, 17;553:15;554:12; 559:8,17;568:14; 583:18;593:9;601:7; 603:3;625:22 rights (10) 433:12,14,16; 437:20,23;483:22; 484:20;485:10; 543:20;564:21 rigorous (6) 489:23;493:19,20; 494:9,11,20 Riker (2) 432:11;559:13 Riker/Danzig (1) 559:11 RIM (3) 439:20,22;552:18 ring (1)	584:19 Rituals (52) 468:22;469:6,16; 471:17,19,21,23,24, 25;473:9,17,21; 474:1,2,7,20,22; 475:2,6,19,21,24; 476:1,3,6,8,9,12; 477:5;478:1;480:11, 17,18,22;481:5,11, 11;482:1;484:2; 522:5;544:23,23,25; 545:1,10;612:4,6,8, 14,18,21;613:14 Rituals' (1) 468:14 Robbins (9) 500:5,10,16; 513:10,16,18,21,25; 514:3 Robbins' (1) 513:12 Robert (2) 432:17;622:25 robust (2) 463:19;480:22 Rochelle (3) 432:13;619:12; 624:8 role (5) 444:3;571:21; 574:12;613:11; 614:12 room (2) 470:19;534:5 Ross (74) 432:9;459:10,12; 488:19;491:4;502:4, 5,19,21;503:1,12,22, 23;504:1,3,19,23; 505:3,18;507:4; 508:9;529:8,8,15,16; 531:2,4;532:7,10; 575:13;576:8; 577:13;578:24; 579:17,19,23;580:5, 6,7,8,9,15,20,22; 581:4,6,10,13,18,19, 22;582:6;583:3,14, 16;585:13,17,18; 586:10;588:17,25; 589:3;590:20;591:2; 592:22;596:5,11; 597:8;598:6,10,20, 25;624:6;625:14 Ross' (7) 459:15;577:5; 588:3;598:14; 599:13,14;602:15 Ross's (1) 531:17 route (1) 481:14	royalties (4) 437:22,25;438:1; 462:12 royalty (13) 438:12,16,18; 439:8,12,17;450:22; 451:1,3,7,9,12,24 rule (1) 619:21 Ruler (1) 476:22 Rules (52) 468:14,21;469:5, 15;471:17,19,21,22, 24,25;473:9,17,21; 474:1,2,7,20,21; 475:2,6,19,21,23; 476:1,2,5,8,9,12; 477:4;478:1;480:11, 17,18,21;481:5,10, 11;482:1;484:2; 522:5;544:22,23,24; 545:1;612:4,5,8,13, 17,20;613:13 rumor (1) 529:13 run (1) 503:16 running (1) 543:5 runs (1) 592:11 Russell (5) 557:1,8;560:15; 561:20;563:17	596:4,21,23;597:7; 598:17;599:20; 604:17;607:8; 614:10,10;615:19; 623:1 Salzman's (1) 490:7 same (16) 435:25;439:12; 440:8,13;450:16; 461:4;471:1,1; 473:13,14;477:17; 489:9;502:16; 546:12;552:1;587:23 Sandler (1) 432:9 Sara (7) 456:13,19,22,24; 457:2;617:25;623:1 Sashes (8) 469:16,18,22,23; 472:21;612:19,23; 613:15 sat (1) 564:6 satisfied (2) 494:20;624:17 save (3) 510:8;511:22; 605:24 saw (5) 559:1;560:12; 568:1;572:4;573:1 saying (17) 434:4;451:17; 481:10;506:19,23; 514:25;535:7; 551:17;563:10; 582:17,19;583:16; 584:24;590:21; 598:3,4;601:1 scared (1) 531:20 scarves (6) 469:16,18,21,22, 24;613:15 scheduled (1) 616:20 school (5) 434:22;444:15,16; 613:3;620:17 schooled (1) 514:1 scientific (4) 438:15,19;439:7; 463:22 scored (1) 436:16 screen (1) 432:3 Scripting (4) 544:23,24;545:1,2 se (10)
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450:13;470:10; 471:13;498:3; 510:23;525:6; 566:21;567:6; 568:12;595:15	510:23;551:21 seemed (1) 555:18 seemingly (1) 533:11 seems (3) 498:9;559:1;567:1	592:14;595:10; 620:19 serve (3) 461:14;476:15; 546:19 serves (3) 476:23;534:11; 612:21	shown (1) 568:2 sic (3) 469:21;525:19; 543:18 side (1) 522:13 sign (4) 446:13,20;468:12; 485:20	546:17 Skolnik (52) 432:8,8,20;433:2; 442:2,9;467:19; 468:1,5,7;474:11,18; 479:9,10,14,17; 506:4;512:23;521:2, 7,523:13;524:10; 528:8;529:23;530:5, 13,18;539:19;549:8; 553:23;554:4; 555:23;556:1; 557:13,22;560:4; 566:1;575:20;577:3; 583:1;594:15;607:9, 13,16,21,23;608:3,5, 11;612:3;625:9,11
seal (1) 521:23	select (1) 475:17	service (1) 605:12	signature (3) 442:12,15;577:8	Skolnik's (1) 613:18
search (3) 609:10,13;610:1	selected (1) 475:24	services (1) 504:10	signed (16) 446:16,22;447:6; 462:3,7,9,11,14,17;	slanderous (1) 583:16
second (10) 535:15;572:19; 573:4,18;574:1; 577:14,18,19; 610:12;619:3	selecting (3) 475:16,21;612:21	selection (1) 477:1	485:17,21;493:15; 539:25;560:20,23; 565:5	small (3) 449:16;462:19,25
Secondly (1) 536:15	selective (3) 612:9,12;613:14	set (4) 462:23;577:6; 604:18;616:4	signify (1) 472:23	smaller (1) 472:3
secret (75) 461:2,5,7,7,12; 465:9,12;469:13,21; 470:10,13,16,22; 471:4,10,12,13,14, 15,16,18,20;472:5,8, 20;473:8;480:15,24; 481:12,21,24;482:3, 6,8,18,18,23;483:7; 487:20;489:16; 490:8,9,14,14,16,20; 495:16;497:8,21,25; 498:1,3,20;518:5,11, 11,16,21,22,24; 523:11;534:23; 535:2,4,8;539:6; 550:15;567:16; 568:9,11,12,14; 573:13,16;611:8	selects (1) 475:20	self-descriptive (2) 537:6,12	signifying (1) 472:19	Snyder (1) 585:2
secrets (57) 462:20,22,23,24; 463:1,4,12,15,18,19; 465:21;466:5,7; 469:21,25;470:11, 18,24;471:5,9;472:3; 478:11,14;480:12; 481:7,23;482:1,4,5, 10,24,24;495:11,13, 14;496:6,9;497:12; 498:22;518:14; 523:8;524:25; 526:22;527:13,25; 528:14,20,22; 534:17,22;537:2; 543:2;550:9,19,22; 551:15;611:9	self-destructive (1) 546:10	self-esteem (11) 495:10,17;496:13, 15,23,23,25;497:1; 545:24;546:3,5	several (5) 483:10;530:24; 556:3;557:24;583:23	similar (10) 435:1;472:21; 473:3,5;476:14; 503:14,15;504:10; 512:15;516:11
section (2) 542:6,15	sell (5) 503:2	sell (5) 497:6;498:6; 503:4;504:11;516:6	severed (1) 615:8	similarly (1) 531:19
security (1) 492:17	selling (1) 503:2	sells (1) 503:3	sex (2) 589:5,6	simply (2) 467:3;618:6
seeing (1) 535:1	seminar (1) 513:17	shape (4) 478:22;479:24; 511:15,16	single (5) 490:4;492:22,23; 511:15;563:14	single (1) 458:1
seek (1) 434:10	seminars (3) 504:12,14;513:12	shapes (2) 509:25;511:12	sit (2) 473:25;504:1	soldiers (1) 458:2
seeks (2) 549:16,18	Send (5) 530:2;579:10; 592:24;593:2;608:1	share (2) 451:20,23	site (6) 505:3,19;508:9; 529:8,16;531:19	sole (4) 449:24;450:2; 483:19;484:2
seem (2)	sense (5) 456:23;477:25; 517:11;537:25; 565:11	shareholder (3) 449:25;450:2; 574:10	sites (1) 503:2	solve (2) 447:18;535:16
	sensory (1) 435:18	shifter (7) 536:5;537:5,11,14, 18;538:6,13	Sitrick (24) 559:23;592:4,5,6, 9,10,11,19,21,25;	somehow (1) 434:25
	sent (6) 528:25;530:22; 531:5;558:9;560:9; 618:10	shifting (2) 537:14;538:6	9,10,11,19,21,25; 593:3,6,9,19;594:2,2, 6,9,21;595:2,12,18, 21,24	someone (42) 434:5;438:17;
	sentence (4) 485:5;490:13,17; 577:18	ship (2) 601:19;602:15	situation (3) 459:25;509:11,14	454:22;459:1,3;
	separate (2) 443:3;546:11	shoes (2) 470:8,9	situations (4) 455:18;517:9; 545:10,12	468:12;472:7,10;
	separately (1) 582:8	short (9) 474:12,13;519:25; 549:4;555:24;556:9;	Sixth (1) 517:11	481:17;482:3,6,12, 23;490:22;497:11;
	September (1) 559:7	557:18;582:22;608:7	skilled (1) 493:23	501:6;503:5,21;
	sequence (1) 599:6	shortly (1) 589:15	skillful (1) 546:16	507:23;511:15;
	series (3)	show (4) 434:12;454:3; 575:18;576:14	skillfully (1) 599:6	517:21;519:15,21;

Sometimes (7) 440:16;444:7,16; 459:7;460:9;498:10; 605:25	469:17;507:24; 533:13;577:22; 578:13,20;579:8; 583:2;592:8;600:16; 607:22;617:12; 620:20	473:12 standards (7) 489:24;493:19,20; 494:10,12,14,20	stems (1) 524:23	students (17) 492:2;494:6,11; 545:2,4,7,9,12,21; 546:1;553:5;589:6; 590:22,22;613:4,9; 615:11
somewhat (3) 498:9;559:1;561:4		standing (2) 470:15,19	Stephanie (12) 432:12;494:12; 567:21,25;568:3,8; 613:22;614:13,21; 615:1;619:11;624:10	studied (5) 445:11;474:4; 498:11;503:24; 534:25
son (1) 619:19	speaking (1) 622:18	start (9) 446:6;480:6;	Steven (1) 594:18	studying (3) 552:18;622:3,3
son's (1) 623:18	special (3) 491:16,17,20	497:1,2;506:8;538:4; 545:11;582:24;	still (6) 436:9;442:25; 443:20;492:23; 518:21;602:8	stuff (7) 520:10;549:23,24; 587:25;600:21; 601:18;609:16
sophisticated (1) 548:16	specific (13) 457:11;490:19; 491:10,17;492:4; 498:1;528:2;535:5; 552:9,10;553:7; 575:8;613:21	620:17 started (4) 486:5;487:11; 506:14;534:5	sting (15) 433:9;588:22; 590:5,8,12,17,19; 599:25;600:7;601:2, 4,12,15;602:19;	subject (7) 543:13;559:1,10, 22;560:18;561:4; 606:6
sorry (18) 440:9;463:9; 479:15;525:16; 528:3;533:3;534:18; 542:4;543:9,10; 578:16;590:10; 595:20;602:5; 611:18;616:2; 622:11;623:12	specifically (29) 440:15;441:2; 447:13;460:18; 462:11,15,17;505:4, 6,20;506:11,12; 518:9;520:4;532:15; 533:19;534:19; 551:18;561:9;565:3; 566:18;567:15,15; 572:12;573:16; 575:16;578:6;581:2; 585:18	545:17;575:21 starts (3) 472:2;489:13; 497:10	603:2 stole (1) 614:21	subjects (1) 433:11
sort (20) 444:7;452:5; 454:4;478:3;494:2; 518:16;540:24; 545:6;564:22,24; 572:7;574:14; 578:12;580:17,22; 581:6,18;590:13; 595:8;611:13	State (7) 486:2;489:8,17; 497:5;546:11; 597:14;623:3	stolen (5) 481:21;519:21; 535:1;566:23;614:22	submerged (1) 544:7	submerged (1) 544:7
sorts (1) 555:20	stated (2) 538:10;623:6	stop (1) 615:11	submission (1) 541:16	submitted (7) 521:23;522:13,17; 541:15,19,20,25
sounded (1) 580:8	statement (47) 434:3,17;436:10; 441:4,10;468:17; 473:1;478:20,23; 479:3,5,21,25;480:2, 9,12,15,16,19; 483:20;485:16; 496:17,18,20;497:8, 13,16,18,20;498:5, 12,13;507:9;514:24; 515:20;516:21; 519:7;522:6;524:15; 526:17;533:4; 534:11,20;544:16; 545:13;588:9;603:14	stopped (6) 504:21;505:1,14; 506:15;580:8;615:7	subparagraph (2) 533:19,21	subscriptions (1) 507:12
sounds (2) 508:23;601:20	statements (21) 495:19,22;496:1, 11;497:9,22;516:18; 524:17,23;525:14, 18;527:12,20,23;	stored (9) 464:19,24,25; 465:2;490:3;492:21, 22,23;493:10	subsequent (1) 601:25	subsequent (1) 601:25
source (1) 619:17	spoiler (1) 517:14	strategic (5) 458:5,7;459:6; 559:4,4	subset (1) 505:19	subset (1) 505:19
SP0429 (1) 557:2	spoke (8) 537:10;561:10; 569:12;577:15,20, 24;581:23;592:6	strategies (16) 495:9;496:13; 537:5,12;538:4,5,8,9, 10,11,13;545:22,24; 546:2,4;581:7	substance (2) 433:25;580:1	substance (2) 433:25;580:1
SP0432 (1) 557:5	spoken (6) 505:9;506:11; 572:10;594:25; 602:13;620:20	strategies' (1) 536:5	subtitle (1) 515:18	subtitle (1) 515:18
SP0480 (1) 556:17	sponsored (1) 617:7	strategized (1) 573:14	Success (23) 439:24;440:25; 441:1;442:20,22,25; 443:23;444:2;	Success (23) 439:24;440:25; 441:1;442:20,22,25;
SP0518 (1) 557:9	sponsoring (1) 616:22	strategy (3) 537:14,19;573:11	443:23;444:2; 451:11;455:14;	443:23;444:2; 451:11;455:14;
SP0903 (1) 556:15	squarely (1) 452:12	strength (2) 510:15;512:25	451:11;455:14; 483:25;486:6;	451:11;455:14; 483:25;486:6;
SP1013 (1) 554:1	stamped (11) 539:16;554:1; 556:11,15,17,20,23; 557:2,4,9;594:12	strict (1) 454:23	514:10,23;515:6,9, 12,12,15;554:21,23;	514:10,23;515:6,9, 12,12,15;554:21,23;
SP1163 (1) 556:12	stand (2) 516:19;524:7	strike (7) 612:6;613:12;	555:22;614:7	555:22;614:7
SP1284 (1) 556:20	standard (1)	614:2;617:19; 621:15;622:6,14	Success/NXIVM (1) 438:2	Success/NXIVM (1) 438:2
SP1814 (1) 556:23		stripes (2) 472:19,22	successful (2) 515:2,3	successful (2) 515:2,3
spam (1) 571:16		strong (1) 572:5	sufficiently (1) 552:15	sufficiently (1) 552:15
span (1) 434:14		student (8) 462:8;483:11,16;	suggestion (2) 590:17;596:24	suggestion (2) 590:17;596:24
Spanish (1) 611:4		488:12;491:3; 519:16	suggestions (8) 582:9;596:3,8,18;	suggestions (8) 582:9;596:3,8,18;
speak (13)		stealing (1) 519:16	Summary (5) 541:10;542:6,8,10,	Summary (5) 541:10;542:6,8,10,

11	432:5,12,13;	465:6,472:13;	theirs (1)	478:9
superficially (3)	502:20,21,25;	486:7,513:22,25;	titular (1)	
500:2;564:1,9	529:10,12;531:1;	536:7	553:13	
superior (1)	554:10;619:12,12,	teach (3)	today (10)	
475:16	18;620:1,8;622:8,14;	447:18;457:8;	433:24;439:1;	
supervising (1)	623:4,8,20,21,24;	536:13	461:4,15;550:17;	
569:23	624:3,8	teaches (1)	603:16,18;612:2;	
support (1)	Suttons (1)	457:10	614:19;615:18	
531:20	609:1	teaching (3)	Today's (1)	
suppose (1)	Sutton's (4)	458:10;477:25;	432:1	
455:22	531:3;619:15;	494:4	Toga (1)	
supposed (6)	621:12;623:17	teasers (1)	560:1	
438:12;439:5;	swear (1)	517:7	together (7)	
450:23;451:10,11,12	432:20	techniques (3)	440:1,4;484:16;	
supposedly (2)	sweeping (1)	445:18;447:18;	529:7;542:20,23;	
562:4;585:7	514:24	466:10	574:15	
suppression (1)	switch (2)	technology (4)	told (38)	
536:16	528:6;534:18	438:18;439:6;	434:3,22;435:8;	
suppressive (1)	swording (1)	448:19;497:11	436:10,11,15,18;	
536:14	475:7	technology' (1)	439:12;440:20;	
suppressive' (2)	sworn (3)	533:23	450:4;455:4;459:10;	
536:11,19	432:25;442:6;	telephone (6)	460:22;461:5;	
Supreme (11)	524:7	583:25;588:7;	468:11;478:18;	
571:23;572:2,7,9,	478:4	596:6,12,15;598:19	516:12;518:3;	
15,18,21,24;573:2,		telling (4)	559:12;571:24;	
18;574:1		578:11;585:19;	575:11;578:5,585:3;	
sure (55)		587:13;589:22	586:17;587:15;	
437:2,2,16,24;		tend (2)	589:8,21;591:18;	
439:18;441:8;443:8;		564:17;625:17	593:18;594:8;	
17,17;449:1;452:19;		tendencies (1)	595:23;607:1,18,20;	
453:4,13;461:3;		536:14	612:3;613:5,8;	
462:4,21,22;472:18;		tendency (1)	624:13	
473:18;476:10,22;		546:9	Tom (2)	
478:17;485:15;		Takin (5)	432:17;523:14	
492:15;493:4,13;		618:16,21;622:22;	Tompkins (1)	
497:17;500:11;		623:2,2	432:14	
501:8;511:16;		term (4)	Toni (1)	
520:18;521:24;		455:22;537:4;	616:14	
523:1,15;528:17;		546:14;569:21	Tony (1)	
540:17;555:25;		terms (1)	513:12	
560:22;567:20;		440:11	took (5)	
570:25;571:4;575:2,		test (2)	557:23;581:14;	
25;576:10;579:18,		434:11,15	591:20;607:1;613:23	
24;583:11;589:1,13;		tested (2)	tools (5)	
593:12,14;599:4,18;		434:20;486:5	458:16,17,18,21;	
615:17;625:15		testified (1)	493:24	
surgeon (3)		436:22	top (17)	
526:11,14;527:11		testifies (2)	445:12;459:8;	
surprised (2)		432:25;524:7	500:12;504:7;	
568:5;586:25		testimonial (1)	505:11;511:3;	
surrounded (4)		534:2	512:10;545:17;	
524:17;525:18;		testimonials (1)	547:20,23;559:6;	
527:20,23		534:1	563:17;573:6;	
survival (2)		testimony (10)	567:12;572:6;581:7;	
495:9;496:19		433:13;434:7;	575:21;585:9;	
suspect (9)		479:18;518:18;	594:19;595:19	
456:6;459:25;		575:15,17,24;576:2;	total (15)	
465:11;476:7;477:2;		613:20;625:12	434:5,18,21;435:3,	
520:6;526:7;542:11;		tests (2)	5,7,14,16;436:4,5,7,	
560:15	taped (1)	434:16,25	11,14,17;438:3	
sustaining (1)	616:5	theft (3)	tracing (1)	
519:25	tapes (5)	521:18;566:11;	611:14	
Sutton (24)	474:10;512:20;	614:20	trade (126)	
	549:3;582:21;621:5		461:2,5,12;462:20,	

21,22,23;463:1,4,12, 15,17,19;465:9,11, 21;466:4,7;469:13, 20,25;470:10,11,13, 16,18,22,23;471:3,5, 8,10,12,13,13,15,15, 18,20;472:3,5,8,20; 473:8;478:11,14; 480:12,15,24;481:7, 12,21,23,24;482:1,3, 4,4,6,8,10,17,18,22, 23,24;483:7;487:20; 489:16;490:8,9,13, 14,16,20;495:11,13, 14,16;497:8,12,25; 498:1,3,20,22;518:5, 11,11,14,16,21,22, 24;523:8,11;524:25; 526:22;527:13,25; 528:14,20,22; 534:17,21,23;535:2, 4,8;537:1;539:6; 543:1;550:8,15,18, 22;551:14;567:16; 568:9,11,12,13; 573:12,16;611:8,9	transference (1) 485:18 transferred (2) 484:1;485:13 transferring (1) 568:16 transforms (2) 510:9;512:1 translated (2) 478:7;610:23 translator (1) 622:22 transmission (1) 481:25 transmit (3) 471:13,15;497:13 transpired (1) 602:3 trash (1) 597:8 travel (2) 618:22;626:4 traveling (1) 626:7 treat (1) 546:14 Treece (1) 433:15 trees (1) 473:4 Tribute (10) 454:2;480:23; 481:1;482:16,17,25; 484:4,11,15;522:5 tried (1) 620:22 tries (1) 592:15 trouble (1) 525:16 true (24) 436:13;452:14; 453:17;479:3; 489:19;513:21; 514:2;516:18;521:1; 525:8;532:23;534:6; 548:10,22;553:17; 576:12;600:9;602:8; 603:6,14,16;604:1; 619:16;623:10 truly (1) 560:23 trust (4) 558:24;561:8,13, 17 truth (2) 460:22;624:21 truthfully (1) 434:1 try (5) 439:6;460:7; 495:3;501:18;520:1 trying (9)	436:9;437:4; 501:9;515:4;535:3; 551:18,19;572:25; 610:3 turn (17) 441:22;442:11; 445:7;468:8;485:23; 489:20;524:11; 533:18;540:8;541:9; 543:3;544:19; 545:14;548:3; 576:25;577:7;592:2 turning (1) 515:17 tutor (1) 575:3 tutored (2) 575:5,6 twice (1) 626:10 two (7) 433:10;436:23; 454:3;463:3;529:20; 608:5;616:9 two-page (1) 608:18 type (7) 477:1;480:7; 488:3;502:13; 526:12;613:2;619:21 types (3) 444:17;472:22,23	592:22 undesirable (2) 470:1;536:7 unfair (1) 546:19 Unfortunately (1) 561:16 uniform (1) 545:6 unique (14) 461:6;466:6; 495:18;496:10,14, 20;497:15;498:5,10, 13,14,23;508:3; 537:6 unit (1) 585:5 United (4) 521:3;541:20; 571:23;585:6 Universe (14) 483:2,3,7,9,12,17; 484:8;490:25; 515:21;519:8;522:7, 15;523:3;526:19 universities (1) 618:13 unless (1) 521:22 unprecedented (1) 533:24 unregistered (1) 493:3 Unsubstantiated (1) 533:22	458:1 use (25) 434:11;440:11; 457:20;458:17,17, 18,21;473:4;476:5,8; 478:1,3,8,10,10; 488:14;491:21; 498:1;503:22; 526:14,15;535:22; 569:21;603:10; 605:19 used (33) 456:2;466:23; 469:24;470:10; 471:6,7,14;482:23; 492:5;498:2;501:24; 503:9;504:5;507:3; 514:9;515:8,10; 524:18;525:19; 527:21;534:21; 535:17,20;536:1; 537:3;545:8,10; 553:7;569:24; 582:16,18;592:16; 604:24 useless (2) 510:15;512:25 uses (8) 441:1,6;477:2; 514:3;537:4;570:17; 604:22,25 using (6) 476:11,14;493:24; 501:20;504:18; 548:20 utilize (4) 443:15;497:13; 528:18;546:17 utilized (3) 448:19;459:7; 482:11
Trademark (2) 543:17,22 trademarks (4) 437:14,24;440:21; 520:8 traditional (2) 440:18;456:23 train (2) 499:4,4 trained (3) 445:10;534:6,10 trainer (2) 568:4;570:23 trainers (1) 463:16 training (54) 447:10;458:6; 466:11,11,13;478:1, 7,8;490:2,25;491:9, 10,13,16,18,20,22, 23;492:4,6,7,8,18; 493:15;494:22; 496:15;499:16,18, 24;500:1,3;503:9,12; 504:4,18;508:14,17, 21,22,25;509:2,3,4,8, 12,16,16;533:24; 534:8,9;552:17; 613:21,22;614:4 trainings (3) 500:7,8;504:9 transcript (4) 460:12;479:1,13; 621:13 transfer (4) 483:22;484:20,25; 485:9	U	Uh (1) 542:4 Ultimately (9) 438:14;440:3; 453:20;478:21; 479:7,23;565:12; 621:2;624:22 Um (3) 476:13;478:2; 593:20 unable (2) 495:7;496:18 uncertainty (1) 579:2 undated (2) 559:3,6 under (17) 433:24;440:20; 441:9;458:9,20; 459:15,18,23,25; 460:1,1;496:22; 521:23;522:10; 528:19,24;531:8 underhanded (1) 546:22 understands (3) 488:4;537:7;538:4 trying (9)	Unterreiner (9) 463:6,13;467:14, 21;570:18,19; 605:10;610:7;614:11 untrue (3) 532:23;534:11; 565:8 up (26) 444:8;447:16; 448:13,24;449:6; 464:9,11,13;468:12; 473:16;517:7;534:1; 537:22;538:9;544:7; 562:23;564:5; 572:20;581:5; 599:10;604:16,18; 605:22;614:23; 616:4;621:11 uphold (2) 551:4;614:7 upon (3) 436:2;491:5; 546:18 upset (1) 623:17 upside (3) 519:15,16,18 upstairs (1)	V

573:15,17;583:24; 605:19 version (15) 442:6;483:16; 484:12,12,14,15; 522:15,16,16;523:3; 541:7,7,14,15,18 versions (5) 483:10;521:19; 522:14,22;539:12 versus (1) 432:5 veteran (2) 531:9;532:3 video (4) 432:2;436:8; 616:1,4 videoed (1) 446:19 VIDEOGRAPHER (16) 432:1;474:9,15; 512:19,21;524:3; 549:2,6;556:8; 557:11,20;582:20, 24;608:9;621:4,8 videos (4) 503:2,3;504:11; 534:9 videotaped (3) 615:19,22,23 videotapes (1) 616:11 view (5) 459:13,15,23; 476:18;569:14 violates (1) 564:19 virtually (2) 435:10;509:10 virtue (1) 525:13 voice (1) 566:6 voiced (5) 555:15;566:2,25; 568:6;581:7 vulnerable (1) 531:16	552:16 way (38) 434:18,24;444:12; 467:5,13;470:21; 471:2,9;472:13; 475:13,15,16;477:7; 478:22;479:24; 481:24;487:25; 502:19;514:19; 517:23;522:12; 523:7;537:11;547:8, 23;551:20,20;552:1, 5;606:23;612:12,25; 620:9,9,16,18;622:5; 624:19 ways (6) 476:19;499:5; 504:10,13;520:18; 535:13 wear (3) 545:6;612:19,22 wearing (1) 473:12 web (2) 491:8;622:1 website (9) 504:19,23;532:7, 11,14;533:25;568:2, 4;572:4 Week (5) 456:19,20;531:12; 533:5;619:3 weigh (1) 460:8 welcome (1) 626:12 well-formed (1) 498:16 weren't (3) 455:15;607:9; 617:10 What's (3) 519:18;532:3; 600:19 whatever (2) 518:13;537:23 Whenever (1) 454:22 wherein (2) 516:9,23 white (2) 458:7,8 whole (8) 480:18;487:14; 491:19;515:23; 517:12;540:18; 547:15;620:19 wholesale (1) 516:2 whose (3) 441:5;588:19; 607:5 wielded (2)	482:3,6 wife (2) 532:9;619:25 willingness (1) 614:6 window (20) 470:17;471:5,8,9, 16;472:2,2,25;481:6, 9;482:4;487:9,9; 488:14;497:10; 498:21;528:22; 534:21;537:4;538:18 windows (12) 471:19;473:8,11; 489:13,16;495:12, 14;550:18,21; 551:14,19,21 winning (2) 537:15,17 within (21) 447:4;448:19; 457:19;466:4; 467:12;468:16; 469:3;470:21; 476:23;494:1; 503:17;515:10; 538:1,19;539:4; 570:24;587:1;590:1, 2;591:19;610:23 without (7) 471:12;493:22; 501:7;510:15; 512:25;516:14; 566:19 witness (17) 432:21;442:5,8; 523:17;553:20,24; 554:19;556:7;585:3; 600:9,15;602:7; 604:7;608:14;625:8; 626:12,14 won (1) 595:25 word (1) 487:22 worded (1) 551:20 words (13) 439:11,15;446:9; 482:22;484:16,23; 487:5;514:8,9; 515:14;525:25; 544:16;551:24 work (31) 433:17;438:8; 446:7,9;447:16; 455:20;480:16; 484:6;487:13,19,21; 488:22,25;489:2,17; 514:6,23;515:1,20; 519:7;520:13,14,19; 522:6;545:7;570:24; 578:4;595:18,24;	611:4,16 worked (3) 448:18;465:5; 580:12 working (4) 461:2;466:18; 467:1;569:11 works (3) 483:13;484:10; 520:24 world (7) 445:12;498:11; 546:6,12;580:12; 616:23;617:7 worth (2) 586:3,20 write (9) 452:25;453:13; 454:24;464:9;467:4; 485:3,5;489:12; 547:10 writes (1) 454:22 writing (5) 453:23;454:3,7,12; 573:1 written (54) 447:22,24;448:2,4, 6;453:14;454:13; 464:11,13,14;465:3, 4,7;466:23;471:22; 472:4,8,16;481:2,3,4, 11,16;482:17,19; 483:6,18;485:9,14, 17;487:22;488:9; 490:3;491:24;492:1, 5,11;493:1;501:2,13; 502:16;504:25; 505:24;512:15; 514:22;515:1;547:2, 8;586:8,23;609:19; 610:18,22;611:19 wrongful (1) 620:25 wrongs (1) 566:10 wrote (14) 441:5;453:2; 455:20;484:24; 485:4;488:17; 490:21;512:9;513:4, 5,7,8;526:4;560:22	432:24;555:11; 568:17;622:24
W		Y		
Wait (1) 591:9 waive (1) 481:18 waiver (1) 600:11 waiving (1) 565:24 walk (1) 584:7 wants (3) 503:24;520:15;		year (5) 437:8;490:1; 531:9;605:8;610:23 years (5) 492:25;539:13; 568:24;605:17; 611:12 York (4)		